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CLAIMS AS A CAUSE OF
THE MEXICAN WAR

BY

CLAYTON CHARLES KOHL, PH.D.



New York University
New York, N. Y.
1914

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CLAIMS AS A CAUSE OF THE MEXICAN WAR

A THESIS SUBMITTED TO NEW YORK
UNIVERSITY IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE
DEGREE OF DOCTOR OF PHILOSOPHY

BY

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INTRODUCTION

After Mexico won her independence from Spain in 1821, there followed a period of thirty or forty years in which both the society and government of that country underwent profound changes. The conservatives completely dominated by the clergy were bent upon retaining the old monarchy. The liberals were equally strong in their desire to establish republican institutions. The struggle between the old order and the new kept Mexico in almost constant revolution from 1821 to 1855. In this period, the form of government was changed eight times and the country was ruled by thirty-five different administrations.¹ Romero, one of the recent ministers of Mexico to this country, says that conditions during this time were very similar to those existing in European countries during the feudal régime. The clergy, he maintains, were really feudal barons monopolizing the wealth and education of the country and exerting a powerful influence over the minds of the people.² Webster in 1846 gave it as his opinion that Mexico had had one of the most irregular and worst governments that had ever existed on earth.

Such conditions inevitably led to many difficulties between Mexico and the foreign nations whose citizens resided in that country or had business interests there. Many Americans were engaged in Mexican trade, and they soon made numerous complaints because of confiscation of property and personal mistreatment. For twenty years prior to the Mexican War these complaints constituted one of the most important subjects of controversy between the two nations. It was impossible to keep them from being blended with the other questions under diplomatic discussion. This fact has led to much confusion of thought regarding their true significance in the relations between the two countries.

Every president of the United States from Jackson to Buchanan, with the possible exception of Van Buren, ardently desired to secure the two Mexican provinces of Texas and California. Whenever any of these executives pressed the redress of the

¹ Romero, *Mexico and the United States*, pp. 374-376.

² *Ibid.*, p. 369.

claims upon Mexico, their opponents at once raised the cry that they were doing it for the purpose of furthering their ulterior designs. The foundation of this antagonism lay in the great slavery controversy. To secure Texas and California meant the increase of slave-state power. The enemies of this policy were so blinded by their feelings that they could view no hostile movement toward Mexico in any other light than that it was intended to precipitate a war which would result in the addition of new slave territory to the Union. John Quincy Adams was the great leader in this view, and he never tired in forcing it upon Congress and the country. Many American historians have accepted his interpretation, notably Jay, Livermore, Von Holst, and Schouler.

On the other hand the administrations that dealt with the claims unduly magnified their importance. Statements that proceeded from them would lead to the belief that the claims constituted at any time after 1836 a legitimate and sufficient cause for war. Jackson was ready to go to war over them in 1837, and Van Buren thought he was warranted in doing so. Tyler held that we would be doing right in taking redress into our own hands. And after the Mexican War became a fact, Polk practically justified it on the sole ground that the injuries done to our citizens deserved indemnification. "To reject indemnity," runs his third annual message of 1847, "by refusing to accept a cession of territory would be to abandon all our just demands, and to wage the war, bearing all its expenses, without a purpose or definite object."

The views of neither side are to be accepted. One side unduly minimized the importance of the claims because they thought they were mere tools in the hands of slavery advocates. The other side unduly magnified their importance, because they either overestimated them as a grievance or because they wished to use them to further other projects, which projects, however were not the same as those attributed to the authors of them by their enemies. The aim of this thesis is to trace the history of the claims for the purpose of showing just what part they played, in connection with other events, in bringing about the Mexican War.

CHAPTER I

THE POLICIES OF JACKSON AND VAN BUREN WITH REFERENCE TO THE CLAIMS—1829-1838

Before Jackson became president, a few claims had been brought to the notice of the Mexican government, but they were very unimportant and created slight discussion.¹ But conditions had already arisen which were to affect the subsequent history of the claims, since events had occurred which had tended to arouse the suspicion of Mexico regarding the good will of the United States. Texas had already been populated almost wholly by Americans, and Mexico was aware of the great interest that this country had in that province. United States had made two attempts to purchase it, one in 1825 and the other in 1827.² Mexico refused to ratify the treaty of amity, commerce, and navigation negotiated in 1828 because there was appended to it an article dealing with the Texas boundary.³ Prior to 1829 therefore, the one great question had arisen which was to complicate all the relations between the two countries for the next twenty years. Besides this another trivial circumstance had occurred which went a long way toward increasing Mexico's ill-feeling toward the United States. Ponisett, the first minister from this country to Mexico, had, during his residence there from 1825 to 1829, taken great interest in the York branch of the Masonic lodge. This organization was an agent of the liberal party, and the conservatives at once accused Ponisett of attempting to aid the establishment of republican institutions. Some of the state legislatures of Mexico went so far as to pass resolutions asking the central government to order him out of the country.⁴

Mexico's ill-will was to be changed by Jackson's policy into

¹ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 33-35 and 261-263.

² American State Papers, Foreign Relations. Vol. 6, p. 580, and House Documents, 25th Congress, 1st Session. No. 42, pp. 8-10.

³ House Documents, 25th Congress, 1st Session. No. 42, p. 26. For the treaty see American State Papers, Foreign Relations. Vol. 6, pp. 952-957.

⁴ Niles' Register, Vol. 33, pp. 13-14, 23-26; Vol. 35, p. 365; and Vol. 37, p. 91.

bitter hostility. Upon Ponisett's recall, he appointed Anthony Butler *chargé da'affaires* to take his place. Butler had never filled any important civil position; was totally unacquainted with the Spanish language; and was, as he himself admitted, "a perfect novice in diplomacy."¹ He was one of Jackson's old comrades in arms, and it seems certain that the friendship that had existed between them for more than twenty years was the sole reason that led to his appointment. His conduct as head of the legation shows that he was wholly unfitted for such an important trust, whether viewed from the standpoint of ability or character. More than this, Butler was sent to Mexico under practically two sets of instructions. The one from the Department of State outlined the chief topics of his mission, and enjoined upon him as his chief duty the reëstablishing of harmony. The other came from Jackson personally, and imposed upon him the important task of purchasing Texas. Had Butler been an experienced diplomat, he could scarcely have accomplished both these objects.

The general instructions issued to him on October 16, 1829, pointed out that one of the most important duties of his mission would be that of protecting American citizens in Mexico by securing their persons and property against all undue exactions or illegal exercise of power on the part of local authorities.² Butler represented this country in Mexico until the close of the year 1835, and during this time complaints rapidly multiplied. Interposition was asked for in so many cases that in February, 1832, and again in July, 1833, the Department of State urged him to press them more forcibly upon the attention of the Mexican Government.³

In accordance with these instructions, Butler addressed a note, October 16, 1833, to Garcia, Minister of Foreign Affairs, asking him to appoint an early date for an interview at which a plan might be devised for adjusting all the claims in the archives of the legation.⁴ Garcia replied, October 24, that the Vice-President had directed him to say that the most convenient method of settling the complaints would be for each claimant to present

¹ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 381-382.

² House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 40-42.

³ *Ibid.*, pp. 83 and 106.

⁴ *Ibid.*, p. 502.

himself with his papers at the Treasury Department. He held that there was no need of appointing a date, but curtly added, "However, should that gentleman still insist upon an interview, after what has been here said, the undersigned will have the honor of appointing a day where he will repeat to him the resolution referred to above."¹

Butler immediately notified McLane, Secretary of State, of the action that had been taken, and said that he had informed certain claimants of the decision which Mexico had made, whereupon they presented themselves to the Treasury Department only to be met with the reply that no claim would be investigated until the whole number outstanding had been laid before the department. It was his opinion that the whole policy had been designed for the purpose of evasion and delay. Garcia's reply to his request for an interview was pronounced insulting.² Butler again wrote McLane, March 2, 1834, saying that claims continued to multiply, and when they were presented Mexico put forth the excuse that they were due to the conduct of factionists or state officials and for this the central government could not be held responsible.³

McLane answered Butler's notes on June 24, 1834, declaring that the United States must hold the federal government of Mexico responsible for such injuries to citizens as merited national interposition. He pronounced as unreasonable the policy Mexico had adopted in making the claimants appear at the Treasury Department. "The President also wishes," said the letter, "that if a prompt and favorable answer should not be given upon this as well as upon the other points at issue between the two Governments, you will present my letter to the Minister of Foreign Affairs, and return home." In the event of his leaving, however, he was to make it known that he had no intent of interrupting the friendly relations between the two nations.⁴

Butler evidently felt that it was not necessary to take the step suggested, for on October 20 he wrote that he felt certain he could settle all the questions in dispute between the two countries after the meeting of the Mexican Congress in the

¹ *Ibid.*, pp. 502-503.

² House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, p. 501.

³ *Ibid.*, pp. 517-518.

⁴ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 144-145.

following January. The House now called for information on the subject; and, on January 6, 1835, Jackson submitted a letter written the day before by Forsyth, Secretary of State. This letter reported that various representations had been made by the United States upon Mexico with reference to the claims, but that the conditions in that country had made it impossible to secure any satisfaction. The hope was held out that by exercising forbearance the difficulty would be adjusted without trouble.¹ This report was evidently based on Butler's statements, but his hopes failed to materialize.

So far as the claims were concerned, Butler succeeded in doing only one thing of importance during his residence in Mexico, and that was the conclusion of a treaty of amity, commerce, and navigation in April, 1831. This treaty was ratified April 5, 1832, and was in almost the exact language of that negotiated by Ponisett earlier. It entered at length into the details of the policy that the contracting parties would pursue in case difficulties arose. The courts of each country were to be open to the citizens of the other in case they needed them. It was agreed that neither country would declare war against the other without first formally stating grievances accompanied by proof.² This treaty, although often quoted, proved to be practically worthless.

The real importance of Butler's mission, however, cannot be fully understood unless his conduct with reference to the Texas question be known. Just before Ponisett's recall, Jackson had instructed Van Buren, Secretary of State, to issue him elaborate directions regarding the purchase of Texas;³ but, due to his withdrawal, they came to naught. Butler's general instructions of October 16, 1829, did not take up the subject; but three days after they were issued, Jackson sent a personal letter to him calling his attention to the importance of Texas.⁴ From this letter it is certain that Jackson intended the chief object of Butler's mission to be that of securing territory.

That Mexico understood this object is evidenced by the fact that no sooner had Butler reached Mexico than Alaman, Secretary of State, presented a report to the Congress of that country

¹ House Documents, 23d Congress, 2d Session. Vol. 2, No. 61.

² Treaties and Conventions, pp. 544-555.

³ House Documents, 25th Congress, 1st Session. No. 42, pp. 10-16.

⁴ Jackson MSS. Library of Congress.

bitterly assailing the designs of the United States.¹ In spite of the fact that Mexico had become extremely sensitive upon this point, Butler pressed the object of his mission with great enthusiasm, and conducted himself in a manner which was, to say the least, highly disgraceful. He tried every scheme he could think of—teasing, threatening, and above all bribing.²

This conduct caused him to be so thoroughly hated in Mexico that the United States was asked to recall him. He did not return to this country for nearly a year, and during that time he got into all sorts of personal difficulties, one of which ended in his challenging to a duel General Tornel, the Mexican Secretary of War.³ He was finally ordered by the Mexican government to leave the country within eight days.⁴ It would be putting it too mildly to say that his mission was unfortunate. At the very time when Mexico was beginning to grapple with a revolution in Texas, this country had a representative in the former trying all sorts of dishonorable schemes to purchase the rebelling province. Harmonious relations were now out of the question.

Shortly after Butler's recall in December, 1835, the Senate confirmed the nomination of Powhatan Ellis of Mississippi to fill his place as *chargé d'affaires*. The year 1836 is an important one in the history of the relations between the two countries. United States urges with great zeal her claims against Mexico; and Mexico, in turn, with equal zeal presses her grievance against the United States for sympathizing, if not aiding, the Texas Revolution. Although the two questions were separate in nature, it was inevitable that they should powerfully affect one another.

On January 29, 1836, Forsyth, Secretary of State, wrote Ellis that "The claims of citizens of the United States on the Mexican Government for injuries to their persons or property by the authorities or citizens of that republic, are numerous, and of considerable amount; and, though many of them are of long standing, provision for their payment is pertinaciously withheld,

¹ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 312-322.

² See his letters in House Documents, 25th Congress, 2d Session. Vol. 12, No. 351. See also Barker, "Jackson and Texas Revolution." Am. His. Rev. Vol. 12.

³ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, p. 600.

⁴ *Ibid.*, p. 599.

and the justice of most of them has not been acknowledged." The letter stated that while the President was willing to look with indulgent consideration upon the almost incessant commotions in Mexico which made it difficult for her to render justice, he yet thought that these troubles afforded no sufficient apology for refusing or declining to examine the claims. Ellis was, therefore, instructed to embrace the first opportunity to impart these sentiments to the Mexican Secretary of Foreign Affairs.¹

Ellis early made up his mind that the United States had been pursuing the wrong policy, for on May 28 he wrote: "The long forbearance of our Government in relation to the numerous outrages on our Commerce has had the most unhappy influences on the Mexican people. They look upon us as either too imbecile, or afraid to indicate our just rights; and hence the continual injuries inflicted upon the persons and property of citizens of the United States. So long, then, as these impressions prevail here, I am deprived of the power of rendering but little service to my countrymen. The protestations and statements, heretofore made by the legation in regard to their claims, have been postponed from time to time, and ultimately evaded by some pretext, not founded in the justice of the cases. An examination of the records in this office confirms me in this opinion; as I am unable to find a single case where indemnification has been awarded to, and payment received by, the claimant. Under this state of things, I would respectfully suggest the propriety of pursuing a different policy in our intercourse with the Mexican States. They ought to be made to understand that the seizure and condemnation of the property, and the imprisonment of American citizens, without in some instances even the color of law to warrant it, will be arrested by a Government whose uniform policy has been to resist violence and aggression from all foreign powers."²

Ellis's suggestion was accepted by the Department of State, and on July 20, 1836, he was informed that further delay in the acknowledgment, if not in the redress, of the claims could not be acquiesced in compatibly with the dignity, rights, and interests of the United States. The instructions briefly stated fifteen

¹ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 160-162.

² House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 591-592.

claims¹ for which the interposition of this government had been asked since the ratification of the treaty of amity, commerce, and navigation April 5, 1832. "Though the department," says the letter, "is not in possession of proof of all the circumstances of the wrongs done in the above cases, as represented by the aggrieved parties, yet the complaints are such as to entitle them to be listened to, and to justify a demand on the Mexican Government that they shall be promptly and properly examined, and that suitable redress shall be afforded. You will, therefore, immediately address a strong but respectful representation to the Mexican Government on the subject of these various injuries. You will also remind it of the numerous other complaints which have been made from time to time, and which still remain unredressed. You will likewise set forth the great forbearance which the Government of the United States has practised towards Mexico, and the friendly and benevolent motives which have led to it; and you will state that the President, finding this moderation and forbearance, so far from being appreciated by Mexico, seem only to be met by new injuries, is constrained by a high sense of duty, to ask of the Mexican Government such reparation as these accumulated wrongs may, on examination, be found to require."

The instructions concluded with the outline of a definite policy which Ellis was to pursue: "If, contrary to the President's hopes, no satisfactory answer shall be given to this just and reasonable demand within three weeks, you will inform the Mexican Government that, unless redress is afforded without unnecessary delay, your further residence in Mexico will be useless. If this state of things continue longer, you will give formal notice to the Mexican Government, that unless a satisfactory answer shall be given within a fortnight, you are instructed to ask for your passports; and, at the end of that time, if you do not receive such answer, it is the President's direction that you demand your passports and return to the United States, bringing with you the archives of the legation."²

In accordance with these directions, Ellis addressed on September 26, 1836, a letter to Monasterio, the Acting Minister of Foreign Affairs of Mexico. With a few minor changes, he stated

¹ For brief statement of each of these claims see Appendix I.

² House Documents, 24th Congress, 2d Session. Vol. 3, No. 105, pp. 24-27.

the specific claims in almost the exact language of his instructions. To these he added in rather strong terms some general grievances. "The flag of the United States," he said, "has been repeatedly insulted and fired upon by the public armed vessels of this Government; her consuls, in almost every port of the republic, have been maltreated and insulted by the public authorities; her citizens, while in the pursuit of a lawful and peaceful trade, have been murdered on the high seas by a licentious and unrestrained soldiery. Others have been arrested and scourged in the streets by the military, like common malefactors; they have been seized and imprisoned under the most frivolous pretexts; their property has been condemned and confiscated, in violation of existing treaties and the acknowledged laws of nations; and large sums of money have been exacted of them, contrary to all law." His letter closed with a demand for reparation in all the specific cases cited and due satisfaction for the numerous insults offered to the United States.¹

Monasterio answered, October 3, saying that as it was necessary to examine numerous documents in order to comply with the demand; an order had been issued to have them collected at the Department of State where they would be examined and reported upon "with all despatch."²

Ellis waited until October 20, and then notified Monasterio that unless redress were afforded without unnecessary delay his longer residence in Mexico would be useless.³ Monasterio answered the next day that his government did not understand how a delay in the reply to any note, however grave its subject might be, could be considered a sufficient cause for taking the step referred to. He pointed out that in the present case it was clearly understood that the delay had been occasioned by the want of documents, a circumstance which was beyond the control of his government. He declared that the requisitions had already been made for the documents, and that he would occupy himself exclusively with the matter.¹ Ellis did not consider this a "favorable response"; and, on November 4, he wrote that unless a satisfactory answer were received within the space of

¹ House Documents, 24th Congress, 2d Session. Vol. 3, No. 105, pp. 29-33.

² House Documents, 24th Congress, 2d Session. Vol. 3, No. 105, p. 34.

³ *Ibid.*, pp. 42-43.

¹ House Documents, 24th Congress, 2d Session. Vol. 3, No. 105, pp. 44-45.

two weeks from date he would demand his passports and return to the United States.¹

This situation led Monasterio to make a reply to Ellis's letter of September 26, presenting the claims. He began with the observation that the claims were confined to the affairs of individuals, and, therefore, belonged to the judiciary rather than to the central government. The fourteenth article of the treaty of amity, commerce, and navigation had provided specifically for such cases since it has stipulated that each nation would leave open to the citizens of the other its tribunals of justice. He then analyzed each specific claim presented. Two, he recognized as valid; on nine, he deferred judgment because of the lack of information; one he pronounced grossly exaggerated; and two, he openly denied. He intimated that some of those on which he had deferred final judgment were exaggerated because the claimants wished to reap advantage or escape justice. He also thought that some of the claimants had suffered because they were ignorant of Mexican laws, but for this his government could not be held responsible. In regard to the insults that had been given to the officers and flag of the United States, he said, "These charges are made in terms so general, the Supreme Government of the republic desires that they may be specified before taking them into consideration." He resented Ellis's use of the words, "illegal," "arbitrary," and "violent" as characteristic of the acts of Mexico; and he likewise resented the statement that the President of the United States had always treated Mexico with special indulgence. The statement was repeated that the delay in answering a note was not sufficient cause for severing diplomatic intercourse, and the fact was neatly pointed out that the United States had not, up to October 4, given any reply to notes which the Mexican Minister there had addressed to it in the months of August and September and upon subjects of the greatest importance. The whole letter bore marks of fairness, careful thought, and complete self-control on the part of the author.²

On November 30, Ellis wrote Forsyth that Monasterio's letter was "wholly unsatisfactory" and that, if nothing occurred to produce a change, he would demand his passports in two or

¹ *Ibid.*, pp. 45-46.

² House Documents, 24th Congress, 2d Session. Vol. 3, No. 139, pp. 50-59.

three days.¹ A week later he carried out his intentions. On December 7, he wrote Monasterio a long letter, taking issue with him on the interpretation of the fourteenth article of the treaty of amity, commerce, and navigation. He held that each country agreed to leave its courts open to the citizens of the other in order to avoid the delay incident to an appeal to the central government, and not with any intention to preclude other modes of redress. "If the language of that article," says the letter, "confines citizens of the United States to seek protection in the judicial tribunals of the country, in certain cases, it would follow, as a necessary consequence, that their decisions would be final. . . . It will be recollected that many of the claims now urged for adjustment arise out of the illegal seizure and condemnation of vessels and cargoes, by the same tribunals to which, your excellency is pleased to say, we can alone resort for indemnification." This doctrine would deny to the United States "the exercise of an unquestioned right of sovereignty to make investigation into all cases where complaints are made." He resented Monasterio's implication that some of the claimants were smugglers; and to his request that some of the claims should be presented in a more specific manner, he replied that he could see no good likely to come from it judging from the way Mexico had treated those already in her possession. "With all these facts before him," he concluded, "the undersigned entertains no hope of a satisfactory adjustment of the questions in controversy between the United States of America and Mexico. He has patiently waited three weeks for some evidence of a more favorable disposition to render justice to his injured country, but he has waited in vain; and, whatever may be the consequences, he now feels it to be his duty, in compliance with instructions, to request that his excellency the President *ad interim* will be pleased to furnish him with the necessary passports to leave the Mexican republic."²

In the meantime, important events affecting the relations between the two countries had taken place in Washington. During the spring of 1836 Texas had established an independent government and had practically demonstrated the fact that she was able to maintain it. Her agents were in the United

¹ House Documents, 24th Congress, 2d Session. Vol. 3, No. 105, p. 46.

² House Documents, 24th Congress, 2d Session. Vol. 3, No. 139, pp. 60-67.

States seeking both recognition and annexation.¹ Congress took up both these questions;² and the interest that this country had in Texas was patent to everyone. When Jackson instructed General Gaines to advance to the western frontier and even enter Texas territory if necessary to prevent Indian depredations, Gorostiza, the Mexican Minister in Washington, protested. He accused this government of winking at the aid which was constantly going to the revolutionists from this country. When General Gaines did cross the boundary and advance to Nacogdoches, he demanded his passports and left Washington because Jackson did not comply with his demand that Gaines should be recalled.³ Before he withdrew, he wrote and circulated among the diplomatic corps at Washington a pamphlet which assailed in the most bitter manner the bad faith of this government toward Mexico.⁴

It is impossible to determine from public documents the precise effect which Gorostiza's conduct had upon the withdrawal of Ellis. Jackson in his annual message of December 5, 1836, nearly two months after the departure of the Mexican minister, said that although the claims remained unredressed they hoped "by tempering firmness with courtesy, and acting with great forbearance" to obtain justice and avoid bringing the matter again before Congress.⁵ Five days later, he directed Forsyth to notify Ellis that if Mexico sanctioned Gorostiza's conduct, he should demand his passports and return to the United States.⁶ This letter, however, could not have reached Ellis in time to have influenced his action. On December 21, the Mexican government sanctioned its minister's conduct;⁷ and, on the same day, Ellis wrote Forsyth, saying, "I am fully persuaded that nothing but a prompt, firm, and decisive course of action on the part of the Congress of the United States, will induce these people to adjust the subjects of controversy between the two

¹ Garrison. Texan Diplomatic Correspondence. Annual Report of the American Historical Association for the year 1907. Vol. 2.

² Debates in Congress, 24th Congress, 1st Session. Vol. 12.

³ For correspondence, see House Documents, 24th Congress, 1st Session. Vol. 6, No. 256.

⁴ For pamphlet, see House Documents, 25th Congress, 2d Session. Vol. 7, No. 190.

⁵ House Documents, 24th Congress, 2d Session. Vol. 1, No. 2, p. 5.

⁶ House Documents, 24th Congress, 2d Session. Vol. 3, No. 105, pp. 47-50.

⁷ House Documents, 24th Congress, 2d Session. Vol. 3, No. 239, pp. 81-82.

governments."¹ The next day Ellis made his final demand for passports.²

Monasterio did not send Ellis his passports, but on December 24 wrote him asking that he state definitely what causes had prompted him to take the step in order that in the future the responsibility for the results might rest where it belonged.³ Ellis considered this a discourteous refusal of his passports, and made no reply.⁴ On the morning of the 27th, Monasterio again asked for a reply; but as none was made, he sent the passports in the evening.⁵ Thus, at the close of the year 1836, the diplomatic relations between the two countries were completely severed.

On February 6, 1837, Jackson placed the situation before Congress. "At the beginning of this session," said the message, "Congress was informed that our claims upon Mexico had not been adjusted, but that, notwithstanding the irritating effect upon her councils of the movements in Texas, I hoped, by great forbearance, to avoid the necessity of again bringing the subject of them to your notice. That hope has been disappointed. Having, in vain, urged upon that Government the justice of those claims, and my indispensable obligation to insist that there should be no further delay in the acknowledgment, if not in the redress, of the injuries complained of, my duty requires that the whole subject should be presented, as it now is, for the action of Congress, whose exclusive right it is to decide on the further measures of redress to be employed. The length of time since some of these injuries have been committed, the repeated and unavailing applications for redress, the wanton character of some of the outrages upon the property and persons of our citizens, independent of recent insults to this Government and people by the late extraordinary Mexican Minister, would justify, in the eyes of all nations, immediate war. That remedy, however, should not be used by just and generous nations, confiding in their strength, for injuries committed, if it can be honorably avoided;

¹ MS. Archives. Department of State. Despatches from agents in Mexico. Vol. 8.

² House Documents, 24th Congress, 2d Session. Vol. 3, No. 139, pp. 67-68.

³ *Ibid.*, pp. 82-83.

⁴ House Documents, 24th Congress, 2d Session. Vol. 3, No. 139, pp. 79-80.

⁵ *Ibid.*, pp. 84-85.

and it has occurred to me that, considering the present embarrassed condition of that country, we should act with both wisdom and moderation by giving to Mexico one more opportunity to atone for the past, before we take redress into our own hands. To avoid all misconception on the part of Mexico, as well as to protect our own national character from reproach, this opportunity should be given with the avowed design and full preparation to take immediate satisfaction if it should not be obtained on a repetition of the demand for it. To this end, I recommend that an act be passed authorizing reprisals, and the use of the naval force of the United States, by the Executive, against Mexico, to enforce them, in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico."¹

Appended to this message was a list of forty-six grievances against Mexico. Two of the fifteen claims which Ellis had been instructed to present had been adjusted; the other thirteen were included in the list. Of the remaining thirty-three, twenty-nine bore a date prior to the ratification of the treaty of amity, commerce, and navigation on April 5, 1832. Some of these were cases which had arisen while Mexico was under Spanish rule. Three of the claims were not dated at all. In twenty-two the amount of the damage claimed was stated, but in the other twenty-four it was not even approximately given. A footnote to the list says, "It is proper to mention, that the above is not considered a full exhibit of the just claims of citizens of the United States on the Mexican Government."²

Buchanan, Chairman of the Senate Committee on Foreign Relations, made a report on the message, February 18, 1837. This agreed with the President that the injuries would justify war, but it recommended that it would be better to follow the thirty-fourth article of the treaty of amity, commerce, and navigation, which had stipulated that in case of difficulties neither nation would go to war or make reprisals without first presenting a statement of injuries verified by competent proof. "After such a demand," continued the report, "should prompt justice be refused by the Mexican Government, we may appeal to all

¹ House Documents, 24th Congress, 2d Session. Vol. 3, No. 139, pp. 1-2.

² House Documents, 24th Congress, 2d Session. Vol. 3, No. 139.

nations, not only for the equity and moderation with which we shall have acted toward a sister Republic, but for the necessity which will then compel us to seek redress for our wrongs, either by actual war, or by reprisals." The committee sanctioned the President's conduct in authorizing General Gaines to advance to Nacogdoches, and pronounced the pamphlet of the Mexican minister a "glaring impropriety," and a gross violation of diplomatic courtesy. The report closed with a resolution concurring with the President in his request for another demand, and declaring that if it did not bring redress, "a state of things will then have occurred which will make it the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation and the rights of our injured fellow citizens."¹

When read hastily, the report sounds war-like; but when read critically, it appears in a very different light. It agreed with the President that one more demand should be made upon Mexico; but, in the event of refusal, it did not authorize reprisals nor did it bind Congress to any specific policy. Much was said about the justice of going to war, but nothing about going to war. Some incidents connected with the preparation of the report lead to the belief that there was little desire of resorting to hostile measures.

Four days before it was presented, Tallmadge, one of the committee, addressed from the Senate Chamber a note to Van Buren, President elect, saying: "The Committee on Foreign Relations met this morning on our Mexican affairs. They are not very belligerent—and, as it is a matter which your administration will have to shoulder, the committee feel that your views should be consulted. The committee have adjourned to tomorrow morning. In the meantime, if I hear nothing to the contrary, Mr. Buehanan, and myself will, after dining at Mr. Pleasonton's, call on you this evening on this subject."² Van Buren evidently not wishing to talk, gave the note one of his characteristically non-committal answers. He said that, with the knowledge he had upon the subject, he could not see how Jackson could have avoided, under the circumstances, making the recommendations that he had to Congress. This body, he thought, would direct what was proper

¹ Congressional Globe, 24th Congress, 2d Session. Vol. 4, pp. 193-194.

² Van Buren MSS., Library of Congress.

in the matter and so far as he was concerned he would do all in his power to carry out their directions.¹

The report was also submitted to Forsyth, perhaps the most war-like member of the administration. He returned it on the day that it was presented to the Senate, respectfully suggesting "that the committee seem to have had an imperfect knowledge of the facts in relation to our affairs with Mexico, and that the Resolution proposed to be submitted to the Senate is not consistent with the declaration of the committee that they agree in opinion with the President."² The irony of Buchanan's reply of the same day shows clearly how he felt. "Such an opinion," he said, "emanating from the Secretary of State cannot fail to produce a happy effect in promoting harmony between the different branches of the Government. The committee will not, however, reciprocate the compliment paid them by the Secretary, lest they might do him an act of injustice, which would be extremely repugnant to their feelings."³ Forsyth then denied that he had meant any offense;⁴ and the committee accepted his explanation in good faith.⁵

From these incidents, it is apparent that there was very little² of the war spirit. The fact that the Senate gave the report scarcely any discussion likewise shows that it did not consider it a very serious matter. Except that of Clay, no noteworthy attack was made upon the report. He thought the case had been made out rather stronger against Mexico than the correspondence would justify. He declared that "he must say, in all candor and truth, that the departure of our representative from Mexico, under the circumstances, was harsh, abrupt, and unnecessary." He held that Mexico needed more time than was allowed for the examination of the documents. Although Gorostiza's conduct was reprehensible, he could not see a cause for war in it.⁶ In reply, Buchanan justified Ellis, but said that the committee did not wish to give the President power to order reprisals in view of the fact that Santa Anna had arrived in Washington and there were reasons to believe that he would soon be restored

¹ *Ibid.*

² Moore. *Works of James Buchanan.* Vol. 3, p. 213.

³ *Ibid.*, p. 214.

⁴ *Ibid.*, p. 219.

⁵ *Ibid.*, p. 220.

⁶ *Congressional Globe*, 24th Congress, 2d Session. Vol. 4, pp. 209-210.

to power in Mexico and then justice would be rendered to our country.¹ The resolution contained in the report was then adopted by a unanimous vote.²

Howard, Chairman of the House Committee on Foreign Relations, presented a report on the President's message, February 24, 1837. The committee felt that the claims had proceeded, in part, from the knowledge that the Mexicans had of our form of government and the limited powers of its executive branch.

"Those nations," said the report, "which permit themselves to disregard the remonstrances of the President, when conveyed through agents appointed by him, and rely for their security upon the limited powers which our Constitution has entrusted to that officer, must be taught that his complaints against injury and outrage do but speak, in anticipation, the voice of the entire people of the country." The report fully concurred with the opinion of the President that ample cause existed for taking redress into our hands, but it recommended that, as an evidence of a desire to preserve peaceful relations, one more demand be made upon Mexico "in the most solemn form." It suggested that this demand be made through "a diplomatic functionary of the highest grade" in order to show the great importance attached to the mission. These recommendations were embodied in two resolutions at the close of the report.³ The House postponed action upon them from day to day and finally adjourned without rejecting or adopting them.⁴ Whether the House meant to disregard the resolutions, it is impossible to say. Howard, a year later, said that the House was in sympathy with them, but simply had failed to act because of the want of time. He pointed out that during the same session that body had inserted a clause in the appropriation bill providing for the outfit and salary of a minister to Mexico to the effect that such appropriation was not to be used unless the President felt that diplomatic intercourse with Mexico could be honorably renewed.⁵

Such were the conditions of the Mexican relations when Van Buren became President, March 4, 1837. He made no change, however, in the policy of sending one more solemn demand to

¹ *Ibid.*, p. 210.

² *Ibid.*, p. 210. February 27, 1837.

³ Congressional Globe, 24th Congress, 2d Session. Vol. 4, p. 202.

⁴ *Ibid.*, pp. 203, 206, 213, and 215.

⁵ House Reports, 25th Congress, 2d Session. Vol. 4, No. 1056, p. 2.

Mexico for redress. In May 27, 1837, Forsyth sent a note to Greenhow, a clerk in the Department of State, telling him that he had been appointed a bearer of despatches to Mexico and instructing him to proceed at once to that country and deliver into the hands of the Minister of Foreign Affairs the packet entrusted to his care. He was also directed to inform the minister that he would remain in the City of Mexico one week.¹ The packet contained a letter written by Forsyth and directed to the Minister of Foreign Affairs and also a statement of fifty-seven claims accompanied by documentary proofs.²

Forsyth's letter reviewed the nature of the complaints and stated exactly what this government expected from Mexico: reparation for all the injuries which had been perpetrated upon our citizens or government by that republic from the date of its independence to the present hour. "It is the ardent wish of the President of the United States," concluded the letter, "that the government of the Mexican republic will give an earnest of its disposition to preserve the relations of concord and good neighborhood with this country, by bestowing its prompt attention upon this last demand upon its justice and honor, made according to the forms prescribed by the treaty between the two Governments, that the United States may be justified in the eyes of all nations for any measures they shall be compelled to take, should this appeal to the Government of Mexico be made in vain."³

The packet was delivered July 20, 1837; and on July 29, Cuevas, the Mexican Minister of Foreign Affairs, replied to Forsyth's letter. He said although the President of Mexico "earnestly desired to give to the Government of the United States a prompt and explicit answer upon each of the claims to which that communication relates, it has been impossible for him even to make the attempt, not only on account of the shortness of time within which the person commissioned to bring the documents is required to return, but also because the circumstances connected with many of the claims are so numerous, so various in their origin, and so distinct in their natures, that each case requires a mature and impartial examination." He said his government had already ordered the papers presented to it translated and

¹ House Documents, 25th Congress, 2d Session. Vol. 1, No. 3, p. 112.

² For these claims, see House Documents, 25th Congress, 2d Session. Vol. 1, No. 3, pp. 40-108. For a brief statement of each of them, see Appendix II.

³ House Documents, 25th Congress, 2d Session. Vol. 1, No. 3, pp. 108-112.

examined. These would be compared with documents in Mexico and others would be collected if needed. As to the manner in which the result of the investigation would be made known, he said, "The minister of Mexico in Washington will then have the honor to communicate successively to Mr. Forsyth, the opinion of the President upon each case, and the resolution adopted by him in consequence."¹

On May 14, 1837, the President of Mexico appointed Martinez Minister to the United States;² and in October, this government acknowledged him.³ On November 18, the new minister addressed ten notes to Forsyth, each one discussing a claim upon which the Mexican government had taken action. The first of these notes is important since it dealt with the complaint regarding the publication of the pamphlet by Gorostiza, the former Mexican minister to this country. His conduct was justified on the grounds that he had meant no offense and had been compelled to do as he had done in order to put himself in the proper light before his countrymen. It was denied that he had violated diplomatic courtesy since he had published the pamphlet in the Spanish language and not in the English and had not himself circulated it among the diplomatic corps in Washington. In justification of this point, it was further added that the correspondence he had quoted did not relate to a pending question nor was much of it even secret. The case of the American Commissioners at Ghent was cited to show that Gorostiza had not acted without precedent. Of the nine remaining notes, only three dealt with claims that had been presented by Greenhow. Two of these were denied and one acknowledged.⁴ With the exception of Forsyth's letter⁵ to Martinez, November 24, 1837, presenting six new claims, no other event of importance occurred before the opening of Congress in December.

On December 2, 1837, Forsyth made a careful report on the claims controversy as it then stood. This report said that the fifty-seven claims presented to Mexico had been prepared with great care so that none might be of a doubtful character. It

¹ House Documents, 25th Congress, 2d Session. Vol. 1, No. 3, pp. 115-116.

² House Documents, 25th Congress, 2d Session. Vol. 2, No. 351, pp. 751-752.

³ House Documents, 25th Congress, 2d Session. Vol. 1, No. 3, pp. 157-158.

⁴ For these notes, see House Documents, 25th Congress, 2d Session. Vol. 1, No. 3, pp. 119-132.

⁵ *Ibid.*, pp. 159-162.

then described the manner in which the Mexican government had dealt with them. Instead of using the list as presented by Greenhow, the list appended to Jackson's message of February 6, 1837, had been followed.¹ Consequently, six of the ten notes sent to Forsyth, November 18, dealt with claims that had been withdrawn. This made it appear that Mexico had not even examined the documents as presented in July. Only four of the fifty-seven claims had received any consideration. The report answered at length the arguments that Mexico had advanced in defence of Gorostiza's conduct in publishing the pamphlet. In closing, it gave a rather gloomy picture of the situation existing in the relations between the two countries. Embargoes had been laid upon American vessels; ships had been captured for disregarding pretended blockades; cargoes had been confiscated without legal procedure; and officers, crews, and passengers had been plundered and imprisoned. "From these facts," said the report, "a judgment may be formed of the value of the assurances that have been received from the Mexican Government, and the probability of their ever being fulfilled." The whole document was bitter in tone and would have made a good war message to Congress.²

Van Buren submitted this report to Congress along with his annual message of December 5, 1837. In the message, he reviewed the history of the negotiations for the past year and said that he could see no way in which the executive alone could do anything to bring the unfortunate controversy to a close. In view of this fact, he asserted, "it has become my painful duty to return the subject as it now stands, to Congress, to whom it belongs to decide upon the time, the mode, and the measure of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the councils of our country."³

Before Congress took up the subject for discussion, plans were already under way for the submission of the claims to arbitration; so what took place in Congress was merely an expression of opinion. These opinions, however, are interesting and worthy of

¹ See House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 754-759.

² House Documents, 25th Congress, 2d Session. Vol. 1, No. 3, pp. 31-39.

³ Senate Documents, 25th Congress, 2d Session. Vol. 1, No. 1, pp. 6-8.

consideration. Walker asked in the Senate, April 11, 1838, when the Committee on Foreign relations intended to make a report on the Mexican relations. He suggested that Congress do as the French government was doing—send a sufficient squadron to demand instantaneous redress, and if not granted to blockade the ports of Mexico.¹ Buchanan replied that the committee had held several informal meetings on the subject and had concluded to await the action of the House since the next step taken might be a war measure and such would proceed with better grace from that body.² Clay criticised the mission of Greenhow, declaring that it had not allowed Mexico time enough to examine the papers and that the whole correspondence had been characterized by a want of dignity and temper.³ Preston was willing to stand for any abuse with reference to the pecuniary claims, but for none where the flag had been insulted.⁴ Benton thought we might negotiate until doomsday and redress be as far off as ever.⁵ King counseled caution since he thought many of our claims would not bear scrutiny.⁶ This forced Buchanan to acknowledge that some of the complaints were not well-founded.⁷ From the spirit in which the Senate discussed the question, it seems quite apparent that no hostile measure would have been sanctioned even if there had been on foot no plan to submit the claims to arbitration.

It is impossible even to speculate upon the action the House might have taken had not Mexico offered to arbitrate. As it was, it did practically nothing. It was the last day of the session, July 7, 1838, before the Committee on Foreign Relations made any report on the Mexican relations. A majority of the committee then justified Greenhow's mission and condemned the plan of arbitration, but offered no resolutions to be passed upon. Cushing made a minority report favoring the arbitration proposal.⁸ All possible danger of war, if there had ever been any, was now

¹ Congressional Globe, 25th Congress, 2d Session, pp. 298-299. In 1838 France did resort to war measures against Mexico in order to secure indemnity. See British and Foreign State Papers. Vol 27, pp. 1176-1214.

² Congressional Globe, 25th Congress, 2d Session, p. 299.

³ *Ibid.*, p. 299.

⁴ *Ibid.*, p. 300.

⁵ *Ibid.*, p. 300.

⁶ *Ibid.*, p. 300.

⁷ Congressional Globe, 25th Congress, 2d Session, p. 301.

⁸ House Reports, 25th Congress, 2d Session. Vol. 4, No. 1056 (15 pages).

passed, and the claims controversy was to be dealt with in another manner.

Although Congress took no action upon that part of the President's message dealing with the Mexican relations, nevertheless the subject received very important consideration in another connection. The House was having its famous stormy session over the right of petition and freedom of debate. It was at the close of this session that Adams occupied the greater part of the morning hour for three weeks in exposing the perfidy of the men in the government who had been and were being dominated by the slave interests. In this speech, the whole policy of the United States towards Mexico was treated in the most caustic manner.¹

"The perpetual teasing of the Government of Mexico," he said, "for cessions of territory, increasing in amount in proportion as the proposals were repelled with disgust; the constant employment of agents civil and military, for all official intercourse, with Mexico and Texas, citizens of states most intensely bent upon the acquisition of Texas, such as Anthony Butler, Powhatan Ellis, and General Gaines; the uninterrupted intimacy with General Houston, from the egg to the apple of the Texian revolt; the promise to Hutchins G. Burton, of the Government of Texas; the wanton, unprovoked, and unconstitutional discretionary power given to General Gaines to invade the Mexican territory; the apparent concert between that officer, in the execution of this authority, with the Texian Commanding General Houston; the cold indifference to every complaint on the part of Mexico, against all the violations of our obligations of amity and neutrality towards her; the disingenuous evasion of a direct answer by the wooden-nutmeg distinction that a direction not to go beyond Nacogdoches was not equivalent to an authority to go as far as Nacogdoches; the contemptuous treatment of all the protests of Mexican minister, Gorostiza, and the preposterous importance attempted to be given to his printing a pamphlet in the Spanish language, exposing the bad faith of this Government in their treatment of his mission, and circulating a few copies of it before his departure from this country,—in all these things there is a mutual coincidence and coherence

¹ Adams' Speech on the Right of Petition, Freedom of Speech and Debate, etc., delivered in the House from June 16 to July 7, 1838. Not printed in the Congressional Globe, but published in pamphlet form. Copy in New York Public Library.

which makes them perpetual commentaries upon each other.”

He said Ellis had been “famishing for Texas,” and had been employed “for the single purpose of giving a relish to these last resources of pacific and conciliatory councils.” He declared that no true-hearted citizen of this country could read his letter to Monasterio of October 20, 1836, and the answer given to it on the next day without blushing for his country. Of Greenhow’s mission, he spoke just as bitterly. This agent, he asserted, had been sent “with a budget of grievances, good and bad, new and old, stuffed with wrongs, as full as Falstaff’s buck-basket with foul linen, to be turned over under the nose of the Mexican Secretary of State, with an allowance of one week to examine, search out, and answer concerning all.” “From the day of the battle of San Jacuito,” he maintained, “every movement of the Administration of this Union appears to have been made for the express purpose of breaking off negotiations and precipitating a war, or of frightening Mexico by menaces into cession of not only Texas, but of the whole course of the Rio del Norte, and five degrees of latitude across the continent to the South Sea.”¹

These statements, taken with the rest of the speech, make it certain that Adams felt that the whole policy of the United States towards Mexico had been dictated by slavery interests. They have been quoted thus at length because they have constituted, both from the point of fact and from the point of spirit, the popular interpretation of our policy toward Mexico down to 1838.²

A careful and impartial study of this policy will permit a quite different interpretation. In order to show that Jackson and Van Buren did not try to precipitate a war with Mexico over the claims for the purpose of acquiring new slave territory, it becomes necessary to consider briefly the questions which Adams declared had a mutual coincidence and coherence which made them perpetual commentaries upon each other.

¹ Speech, pp. 117-119 and 126-128. See also Memoirs. Vol. 11, pp. 348-349.

² Von Holst—“The Constitutional and Political History of the United States.” Vols. 2 and 3. Chapters on Mexican War, *passim*; William Jay—“A Review of the Causes and Consequences of the Mexican War,” *passim*; A. A. Livermore—“The War with Mexico Reviewed,” *passim*; and Schouler—“The History of the United States of America under the Constitution.” Vols. 3 and 4, *passim*.

That Jackson zealously desired the acquisition of Texas, there can be no possible doubt. Six months after the beginning of his first administration, he directed Van Buren, Secretary of State, to instruct the American minister in Mexico to make an effort to settle the Texas boundary in such a way that United States would come into possession of Texas.¹ From this time on until the close of his second administration, Jackson's interest in Texas never waned. But that he traiterously plotted because of his southern prejudice to bring about a situation which would result in the annexation of that province is a wholly different question and one which seems incapable of proof.

Adam's charge that Jackson, with Houston as his agent, connived at the Texas Revolution appears to have been almost wholly unfounded. It is impossible here to give the evidence which disproves the accusation; and it is unnecessary, for it has already been worked out in an admirable and effective manner.² When Adams made the charge against Jackson, he was in the very thickest of his fight over the right of petition; and it seems quite clear that he allowed his personal feelings to lead him into an unworthy use of purely circumstantial evidence.

Jackson's conduct with reference to Butler's mission cannot be justified, and yet it was not as bad as Adams made it out to have been. Jackson sent this dishonorable schemer to Mexico under instructions to purchase Texas and permitted him to remain there six years promulgating all sorts of projects to accomplish his purpose. And when he returned to Washington in 1835 to lay before the President his plan to secure Texas by bribing Santa Anna to the amount of a half-million dollars, Jackson not only did not recall him but sent him back to Mexico with new instructions to purchase along with Texas a large part of California.³ While it was Jackson's plain duty to have recalled Butler, nevertheless he countenanced no one of the latter's corrupt schemes, but condemned them all. On Novem-

¹ House Documents, 25th Congress, 1st Session, No. 42, pp. 10-16.

² Eugene C. Barker, "President Jackson and the Texas Revolution," *American Historical Review*, Vol. 12, pp. 788-809.

³ For the complete letter, see MSS. Archives, Department of State, Instructions to agents in Mexico, Vol. 15, pp. 53-54. For whole correspondence, see House Documents, 25th Congress, 2d Session, Vol. 12, No. 351, where extracts are given.

ber 27, 1833, he wrote Butler that while we wanted Texas, the treaty of cession must be obtained without any imputation of corruption on our part.¹ When Butler wrote his letter of June 17, 1835, laying his scheme before the President, to bribe Santa Anna to the extent of a half-million dollars for the sake of the cession, Jackson in his indorsement of the letter said, "Nothing will be countenanced by the executive to bring this government under the remotest imputation of being engaged in corruption or bribery."² Jackson deserves severe censure for employing a man like Butler, but he should be given the credit for having thwarted and condemned every one of his dishonorable projects.

The charge that Jackson sent Gaines to Nacogdoches in order to further his Texas schemes does not appear true. Gaines did have a passion for Texas, and he was indiscreet in expressing it.³ He was also ready upon the slightest pretext to fight Mexico.⁴ But while the man was indiscreet and while the policy of permitting him to enter Mexican territory was unwise since it was bound to increase hostility and multiply the chances for the violation of neutrality on our part, nevertheless there is no evidence that Jackson had any ulterior designs in employing him. On the contrary, when the correspondence upon which Jackson based his conduct is carefully studied, there appear good reasons for his action. The reports in regard to the movements of Indians made such action seem necessary.⁵ Gaines was repeatedly cautioned to do nothing that might be interpreted as hostile to Mexico.⁶ Jackson opposed Gaines's policy of increasing the forces in the southwest and countermaned his call upon the Governor of Tennessee for militia, saying that, "To sanction that requisition for the reasons which accompany it, would warrant the belief that it was done to aid Texas, and not from a desire to prevent an infringement of our territorial or national

¹ Jackson MSS. Library of Congress.

² MS Archives. Department of State. Despatches from Agents in Mexico. Vol. 6.

³ House Documents, 24th Congress, 1st Session. Vol. 6, No. 256, pp. 42-43.

⁴ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 820-821.

⁵ House Documents, 25th Congress, 2d Session. Vol. 12, No. 351, pp. 771-782 and 792-818.

⁶ House Documents, 24th Congress, 1st Session. Vol. 6, No. 256, pp. 43-44, 54-55.

rights."¹ In his annual message of December, 1836, Jackson was frank enough to say that "the sufficiency of the causes assigned for the advance of our troops by the commanding general had been seriously doubted by me."² In view of these facts, Garrison's interpretation of the event seems just; namely, had it not been for the strained relations between the United States and Mexico the incident would have passed without notice.³

Before taking up the charge that Jackson sent Ellis to Mexico, because of his slavery proclivities, to precipitate a war over the claims in order to get Texas, it is necessary to state briefly the history of the Texas question in this country from the opening to the close of the year, 1836. During the closing weeks of the session extending from December, 1835, to July, 1836, both the questions of recognizing and annexing Texas were before Congress. After considerable discussion, both houses resolved in July, "That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information shall be received that it has in successful operation a civil Government, capable of performing the duties and fulfilling the obligations of an independent Power." The Senate adopted this unanimously, and the House passed it by a vote of one hundred and twenty-eight to twenty. These votes show that the measure could hardly have been sectional. The debate shows the same. Some southern members were ready at once to recognize Texas and receive her into the Union, notably Calhoun and Preston of South Carolina and Walker of Mississippi. Calhoun boldly asserted that he desired these events because they would benefit the South. At the same time, other members from the slavery states opposed the measures; for example, Porter of Louisiana, Brown and Magnum of North Carolina, and King of Alabama.⁴ Outside of Congress, the sentiment on the question could not be considered as one strongly influenced by the slavery problem. In June, 1836, the legislature of Connecticut sent a memorial to Congress

¹ Senate Documents, 24th Congress, 2d Session. Vol. 1, No. 1, pp. 60-61.

² *Ibid.*, p. 4.

³ "Westward Extension," pp. 88-89.

⁴ For the action of Congress, see Debates in Congress, 24th Congress, 1st Session. Vol. 12, pp. 1286-1287, 1414-1426, 1455-1457, 1525-1537, 1759-1763, 1846-1847, 1915-1928 and 4621-4622.

recommending the recognition of Texas;¹ and, later in the same year, Governor McDuffie of South Carolina sent a message to the state legislature taking a decided stand against it. The message also pronounced any attempts at annexation as unwise and unjust since they would be violations of neutrality and degrading to the national honor. The Senate of the state coincided with the governor's opinions.²

In accordance with the resolution of Congress, Jackson sent an agent to Texas to investigate political conditions there. On the basis of reports received from this agent,³ Jackson prepared a message to Congress which he submitted December 22, 1836. This message declared that it had been the consistent policy of the United States not to recognize a new government until it had demonstrated its ability to protect itself. In view of the threatened invasion of Texas by Mexico, this country could not, therefore, recognize the new republic. We should wait until some foreign power had done this or until there was no doubt about Texas's ability to maintain her independence. The message pointed out that the great desire that existed in this country for Texas made the question extremely delicate and one which forced upon us considerations of the gravest character.⁴

At the very time Jackson submitted this message to Congress, Ellis was demanding his passports in Mexico. According to the President's enemies, this "fanatical slavocrat, who had the acquisition of Texas at heart," had been chosen for the avowed purpose of precipitating a war over the claims in order that new territory might be acquired for slavery interests.⁵ It is impossible to see any reason in this accusation. If it had been true, Jackson's message against the acknowledgment of Texas would have meant that he chose to throw that province back into the hands of Mexico so that he might win it through a war as indemnity for claims. This is inconceivable. Had Jackson made up his mind to get Texas, it certainly would have been easier for him to recognize the independence of that republic and induce Congress to annex it than it would have been to go to war over the claims in order to secure it as indemnity.

¹ Debates in Congress, 24th Congress, 1st Session. Vol. 12, pp. 1762-1763.

² Niles' Register. Vol. 51, pp. 229-230, 242 and 277.

³ Senate Documents, 24th Congress, 2d Session. Vol. 1, No. 20.

⁴ *Ibid.*, pp. 1-4.

⁵ See Von Holst. Vol. 2, p. 592, and Jay, p. 37.

But evidence exists which shows that Jackson was sincere when he wrote the message against the acknowledgment of Texas. Six weeks after he submitted it, a situation had arisen which caused him to change his mind. Texas had threatened to seek recognition in England and pay for it by valuable commercial concessions. A letter fell into Jackson's hands written by Colonel Austin which stated this fact and remarked "*that if the United States does not now accept the proposition it may be forever lost to her.*" Jackson immediately enclosed this letter in a note to Howard, Chairman of the House Committee on Foreign Relations; and, after expressing his belief in the truth of its statements, asked for a private interview.¹ The President now evidently desired the recognition of Texas; and when the Senate did acknowledge her independence on March 1, 1837, Walker took the liberty to enclose the resolution and vote in a note to Jackson saying that he knew it would give him pleasure to hear of it.²

Jackson's policy with reference to Texas does not appear to have had much influence upon his policy with reference to the claims. Adams thought the two were simply phases of one grand scheme to annex more slave territory. Jackson's conduct on the Texas question seems always to have been the result of a struggle between two powerful motives: one was a desire for Texas and the other a desire to keep untarnished the national honor of his country. He was indiscreet in his choice of agents and he permitted them to do unwise things, but there is no evidence that he ever gave his assent to a single corrupt act for the sake of getting Texas. That he was acting in conjunction with an organized slavery interest cannot be maintained. Down to the close of his second administration, neither the sentiment in Congress nor in the country will justify the belief that there was a slave-state and a free-state line up on the Texas question. It is true that the South was more interested in it; but it does not appear that this was a consciously organized one. The motives for Jackson's so-called war message of February 6, 1837, need not be sought in the Texas affair; they were in the man himself.³ Mexico had procrastinated with reference

¹ Jackson MSS. Library of Congress. Letter dated February 2, 1837.

² *Ibid.*, Letter dated March 1, 1837.

³ See Garrison, "Westward Extension," p. 191. Also see Rives. Vol. 1 pp. 432-433.

to the claims and she had approved Gorostiza's conduct which Jackson thought contemptible. Jackson hated weak measures and so he did with Mexico as he had done with France a few years before, recommended one more chance to settle complaints and after that war.

Van Buren's policy was essentially the same as Jackson's. It seems very probable that he helped Jackson prepare his message of December 22, 1836, on the recognition of Texas.¹ It is certain that he approved of Jackson's message of February 6, 1837. Greenhow's mission in the summer of 1837 was still a part of Jackson's measures. By this time the annexation question had become an important one. Hunt, the Texas minister in Washington, had made, on August 4, formal proposals for joining Texas to the Union.² On August 25, Forsyth flatly refused the overture, not even consenting to reserve it for future consideration.³ The question came up in Congress during the session from December, 1837, to July, 1838, and was soon merged into the struggle over the right of petition.⁴ There was now a slave-state and free-state line up on the question. It was in the midst of this fight that Adams divulged the great conspiracy that had been in process against Mexico for nearly a decade. But, outside of the fact that Van Buren's administration allowed Mexico only one week to give satisfaction for fifty-seven claims, there is not the slightest evidence that anything else unjust or unfair to Mexico was done. The President was certainly not scheming for Texas since his refusal of it was absolutely positive. The manner in which he placed the matter before Congress in his annual message of December, 1837, was cautious and dignified.

In the light of these facts, the following conclusions appear true: "Jackson's and Van Buren's attitude toward Texan

Among the Van Buren MSS in Library of Congress exists the following note unaddressed and undated. "The great and delicate question of, shall we acknowledge the independence of Texas,—is the evidence contained in the report of our confidential agent, Mr. Moffet, sufficient to show that Texas has a *de facto* Gov't and the means to support it—See the resolutions of Congress & compare the facts contained in the report with it—report on which the Independence of South America was acknowledged."

¹ House Documents, 25th Congress, 1st Session, No. 40, pp. 2-11.

² *Ibid.*, pp. 11-13.

³ Congressional Globe, 25th Congress, 2d Session, Vol. 6.

CHAPTER II

THE CLAIMS REFERRED TO ARBITRATION—1838-1842

On May 20, 1837, the President of Mexico proclaimed the decree of the General Congress offering to submit the claims to arbitration. The first of its two articles simply made the proposal; but the second added that “The Government is also authorized, in case the United States should deny the satisfaction which we should ask on our part, or delay it beyond the time which shall be fixed conformably with treaty, or should continue the open aggressions already committed, to close the ports to the trade of that nation; to prohibit the introduction and use of its manufactures; to establish a period for the consumption or exportation of those already on hand; and to take all measures required for the purpose, and for the safety of the republic.”¹ This decree was evidently intended to furnish an answer to Jackson’s war-like message of February 6.

It was seven months before a notice of this action of the Mexican Congress was given to the United States, notwithstanding the fact that there were numerous events occurring which ought to have called it forth. Forsyth’s last demand for satisfaction, made through Greenhow in the summer of 1837, was answered by the Mexican government on July 29, but with no mention of the offer of arbitration. In October, Martinez, the new Mexican minister, reached Washington and was acknowledged; but in his correspondence with this government during the month of November, he never mentioned the decree. Forsyth’s war-like report of December 2 and Van Buren’s annual message of a few days later both appeared and failed to call forth a notice of the proposal. It was December 22 before it was presented to this government; and then four months pass by before anything is heard of it again. On April 7, 1838, Martinez wrote Forsyth that the President of Mexico was convinced that arbitration was the most effectual method of settling the difficulties. Two weeks later Forsyth agreed to accept the offer. On April 30, Martinez suggested the King of Prussia as umpire; and on May 10 Forsyth

¹ House Reports, 25th Congress, 2d Session. Vol. 4, No. 1056.

assented. But as yet neither government had empowered its agents to sign an agreement. This was done so that by the first of September a convention was under preparation.¹

This convention was signed on September 10, 1838. It provided that all the claims of citizens of the United States upon the Mexican government, for which interposition had been solicited up to the time of the signing of the convention, should be referred to a commission consisting of four members, each government appointing two. The board was to meet in Washington three months after the exchange of ratifications and was to have eighteen months in which to complete its work. Each government agreed to furnish all necessary documents in its possession. When the claims were adjusted and awards made, Mexico was to be allowed the privilege of issuing certificates of debt in case she did not have the money with which to pay. In the event that the commissioners disagreed upon any claim, they were to draw up, jointly or severally, a report stating in detail the points on which they differed and the grounds for their respective opinions; and such reports were to be sent, with the documents connected with them, to an umpire appointed by the King of Prussia. His decision was to be final; and consequently Mexico was to be exonerated from all claims that were rejected. Each government agreed to bear half of the contingent expenses of the commission. Ratifications were to be exchanged within five months.²

On the day that the convention was signed Martinez wrote Forsyth asking him certain specific questions; whether the President refused to submit to arbitration six of the claims; whether the government of the United States demanded that Mexico withdraw her approval of Gorostiza's conduct in reference to the pamphlet; and whether this country would abstain from sending to Mexico the diplomatic agent already appointed while these complaints remained unsatisfied.³ Forsyth answered three days later. He said that his government refused to permit eight of the claims to go before the board since they were of such a nature that they directly affected the national character. He also declared that Gorostiza's offense would have to be adjusted before

¹ House Reports, 25th Congress, 2d Session. Vol. 4, No. 1056.

² House Documents, 25th Congress, 3d Session. Vol. 6, No. 252, pp. 27-32.

³ *Ibid.*, pp. 15-16.

the minister would be commissioned to Mexico.¹ Martinez assented to these conditions; Gorostiza's conduct was disavowed; and, on February 15, 1839, Ellis received his commission as minister to Mexico.² Full diplomatic relations between the two countries were again restored.

The progress of the arbitration measure, which now seemed so promising, was soon to be completely frustrated for the time being by another event. Mexico failed to ratify the convention within the period set, assigning as her reasons the want of time and the fact that she had understood that the King of Prussia refused to act as arbitrator.³ Considerable question now arose in regard to Mexico's good faith. Jones, one of the consuls in Mexico, declared that the matter of ratification was purposely delayed so that the notice of rejection would not reach this country until after the adjournment of Congress.⁴ About the last of February, 1839, the House called for documents on the Mexican relations; and, in reply, Van Buren sent the convention of September 10, 1838, and the correspondence connected with it. On March 2, 1839, the Committee on Foreign Relations made a report, resolving that Mexico had not assigned sufficient reasons for the failure to ratify, that our minister in Mexico ought to be instructed to urge a speedy and definite settlement of the claims, and that the House would sustain the executive in any measures he deemed necessary in case the demand were refused or unreasonably delayed.⁵

Although Van Buren was not entirely satisfied with the course pursued by Mexico, he accepted her explanation in regard to the failure to ratify the convention; and, as he himself said, cheerfully consented to conclude a new one.⁶ Forsyth and Martinez were given by their respective governments power to conclude a new agreement; and on April 11, 1839, they succeeded in doing so. This differed from that of a year before only in minor detail. In order to avoid the things which had presumably caused the

¹ *Ibid.*, pp. 16-17, 13-14 and 18.

² *Ibid.*, pp. 17-18 and 26.

³ House Documents, 25th Congress, 3d Session. Vol. 6, No. 252, pp. 21-22.

⁴ *Ibid.*, p. 22.

⁵ Congressional Globe, 25th Congress, 3d Session. Vol. 7. House Reports, 25th Congress, 3d Session. Vol. 2, No. 321.

⁶ Annual Message, December 2, 1839. House Documents, 26th Congress, 1st Session. Vol. 1, No. 2, p. 6.

failure of the earlier convention, the latter provided that ratifications might be exchanged at any time within one year and that, if the King of Prussia refused to appoint an umpire, the Queen of England or the King of Netherlands might do so. The new convention was duly ratified and, on April 8, 1840, the President proclaimed it in effect.²

On June 12, 1840, Congress passed an act to carry it into execution. The salary of each commissioner was fixed at three thousand dollars a year and that of their secretary at two thousand a year. The President was given authority to provide for all the contingent expenses of the commission falling on this government and the free use of the mails was extended to it for all its official business. The members of the board were, at the close of their work, to make a report to the Secretary of State and deposit their records with him. It also stipulated the method of distributing the awards; and, in apparent non-conformity with the convention, made it impossible for any claimant to get his money until the close of the board's work.²

The President of the United States appointed W. L. Marcy and John Rowan as commissioners; and the President of Mexico selected Pedro F. del Castillo and D. Joaquin Velazquez de Leon. Baron Roenne, the Prussian minister in Washington, was made umpire. In the meantime, Forsyth instructed Ellis (May 3, 1839) to press the settlement of the eight claims that this country refused to submit to arbitration. The way now seemed clear for an adjustment of all complaints.

The board held its first session August 17, 1840, and from this time until August 25 the proceedings of each day were taken up with a discussion over the validity of the oaths of the Mexican commissioners. The convention had not provided the method of taking them, and the Mexican government had left the question open for the mutual consent of both parties. The American commissioners had taken theirs before the proper authorities.

¹ House Documents, 26th Congress, 1st Session. Vol. 4, No. 190.

² House Reports, 27th Congress, 2d Session. Vol. 5, No. 1096. The last provision caused considerable trouble. In the summer of 1841, Coxe, Causten, and Key memorialized Congress on behalf of the claimants to let them have their money as soon as the awards were made. Webster, Buchanan, and the Secretary of the Treasury thought their demand just. See Executive Documents and Reports of Committees, 27th Congress, 1st Session. Vol. 10, pp. 254, 258, 273, 312, and 399.

The Mexican commissioners appeared in Washington without certificates of oath; and being unwilling to submit themselves to an American officer, they administered their oaths to one another and then had their secretary take his before them. Certificates to this effect were presented to the board. The American members questioned the validity of this, holding "that an oath to be valid must be administered by a public functionary duly authorized to perform that act." They maintained that this power did not reside in a minister unless given by special delegation; and more than this, the commissioners were appointed to act jointly while the administering of an oath was a several act. This they considered a very important question since the whole validity of the work of the commission might rest upon it. The Mexican commissioners would not concede to the suggestion that they take their oaths before an American officer, since they came in a twofold capacity—as commissioners and as plenipotentiaries—and as such they enjoyed the immunities which international law allowed them. They declared that their government had given them special instructions to settle the question of oaths, and that this delegation of power was in strict accordance with the constitutional law of their country. To settle the matter and remove all doubt they agreed to send their certificates to their government and have them ratified. The American commissioners accepted this proposition, and the board was duly organized on August 25, 1840.¹

From this time until October 7 the board discussed rules of procedure. On August 31, the American commissioners submitted for adoption a project of eight rules. The most important of these provided that the board should sit daily from ten in the morning until three in the afternoon; that the form of procedure should be judicial and not of a forensic or diplomatic character; that claimants or their agents should be permitted when requested to present to the board the facts and documents connected with their cases; and that the position of the members of the board should be selected with an eye to convenience and "without indicating inequality."² Two of these proposed rules received heated discussion; the one relating to the nature of the

¹ Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 93-102.

² Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320 pp. 104-105.

board and the other concerning the appearance of the claimants or their agents before it.

The American commissioners took the ground that the board was a judicial and not a diplomatic body. They argued that this point ought to be determined in order that the parties concerned might understand one another and harmonize in their action and also that the claimants might know in what manner to address the commission. They held that the convention evidently intended the board to be a tribunal since, in article one, it prescribed the oath to be that of examining and deciding the claims impartially, and, in article four, it enjoined upon the commissioners the duty of adjusting the complaints according to the principles of justice, the law of nations, and the stipulations of the treaty of amity. Such duties as these were neither legislative nor executive, and, therefore, they had to be judicial. Diplomacy had ceased when the convention was signed; the very aim of the commission was to supersede further diplomacy. The plenipotentiary powers of the Mexican commissioners were in excess of the aim of the treaty, and consequently had nothing to do with the duties of the board. The Mexican commissioners took the position that the board was a diplomatic body. They maintained that it was unnecessary to determine the nature of the commission since the convention had done that. It said nothing about a tribunal, but always spoke of a board; it said nothing about *judging*, but always used the word *adjusting*. This convention was a public treaty, the parties to it were sovereign, "and as such, recognize no earthly tribunal that possesses the right of judging their actions, since nations, by the fact of their being in the exercise of their independence and sovereignty, *cannot constitute themselves into judges, the one of the other.*" The American commissioners gave up the discussion as useless, declaring that it had dwindled down into a question of name rather than of nature.¹

¹ Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 107-157. See also pp. 212-215. Webster took side with American commissioners. The Mexican commissioners wrote him asking about the jurisdiction of the board with reference to certain claims. On January 21, 1842, he said in reply: "The mixed commission . . . has always been considered by this Government essentially a judicial tribunal, with independent attributes and powers in regard to its peculiar functions. . . . The Government of the Mexican republic has seen fit to confer the rank and title of plenipotentiary upon its commissioners, and its right to do so is admitted; but it is considered that this does not alter the nature of their functions." *Ibid.*, pp. 185-186.

In regard to the access of the claimants to the board, the American commissioners held that those who had claims had the right to present their cases either in person or through agents, providing they did so in both the Spanish and English languages. They maintained that the two parties before the board were not the nations. The United States government had interposed in behalf of its citizens having claims only so far as to co-operate in erecting a tribunal or board for adjusting them, but had not taken upon itself the labor of presenting their cases. The parties in interest were the litigants, the claimants were the plaintiff, the State of Mexico the defendant, and the board the judge. The inherent right of man to be heard before a court either by parol or in writing was a principle so deeply set in the minds of Americans that it could not be conceded. The Mexican commissioners, on the contrary, insisted that the two nations were the parties before the board. The United States government had, therefore, assumed the cases of its citizens having claims. They held that the convention was plain on this point since it had stipulated that all papers called for must be sent to the Department of State at Washington from whence the board would secure them. More than this, it would be highly injurious to the claimants themselves to permit them to appear before the commission since it would protract the discussions and delay adjustment.¹

The whole subject of discussion involved in the adoption of rules was a nice one, but it was altogether too scholastic and too far removed from the plain and practical objects of the commission. As Webster said, the discussion had been over "very unimportant and even idle formalities."² On October 5, the board did agree on five rules, but no one of them covered any of the points that had been under discussion. They all related to comparatively insignificant matters.³

The board adjourned on October 7 to give the secretaries time to list the claims and arrange the documents connected with them. This took until December 21, and on this day

¹ Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 107-157. Also pp. 215-220.

² Works (National Edition). Vol. 18, pp. 136-138.

³ Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 153-154.

the sessions were again resumed.¹ The next day the question of access came up again. The counsel for a claimant asked to present a case before the board. A vote was taken and resulted in a tie. The Mexican commissioners now offered the following resolution for adoption: "That whatever written explanations, documents, or petitions, the claimants or their agents may desire to present to the board in support of the justice of the claims which are submitted to its investigation, will be received and considered, coming to the board through the Department of State."² The American commissioners gave way and voted for this assigning as their reason the fact that the convention would have been rendered abortive since their Mexican colleagues would have never given in on the point.³ On December 23, another rule was adopted making the claimants submit all their papers in both the Spanish and English languages.⁴ The board investigated the first claim on December 28. Four months had been consumed in getting ready.

During the next year, 1841, the first five months were consumed in the disposition of twelve claims, upon eleven of which the commissioners disagreed and appealed to the umpire.⁵ The claimants now became so dilatory in presenting their cases that the board was compelled to notify them through the public prints to hasten the preparation of their documents. The notice said that while more than half the time allowed the commission had expired, not one-half the claims which it had been organized to adjust had been presented.⁶ Rowan resigned August 9, and three days later the board adjourned until his place was filled. President Tyler appointed H. M. Brackenridge to the vacancy August 23, but it was September 20 before the sessions were resumed.⁷

In consequence of so many delays, the greater part of the work of the board was done in the last few weeks and even in the last few days of its sessions. A letter and report from the umpire to the commission on the last day of its meeting, Feb-

¹ *Ibid.*, p. 157.

³ *Ibid.*, p. 159.

² *Ibid.*, pp. 158-159.

⁴ *Ibid.*, p. 159.

⁵ Senate Documents, 27th Congress, 1st Session. Vol. 1, No. 61.

⁶ Notice quoted by Moore. *International Arbitrations.* Vol. 2, p. 1234. Notice dated June 16, 1841.

⁷ Moore. *International Arbitrations.* Vol. 2, pp. 1235-1236.

ruary 25, 1842, show that twelve claims were submitted to him in January, 1842, seventeen in the first fifteen days of February, and eighteen more from February 19 to 24, inclusive. Forty-seven claims were, therefore, submitted to him in the last fifty-two days of the board's sessions. The eighteen submitted to him after February 19 were returned without decision because of a want of time.¹ According to a letter which the Mexican commissioners sent to Webster on March 18, 1842, eighty-four claims in all were presented to the commission.² If this be correct, then over half the claims which the board investigated were disposed of in the last two months of its sessions.

The actual results of the board's work may be gotten from the following summary:

1. Amount of claims decided by the board without reference to the umpire.
 - a. Amount claimed.....\$595,462.75
 - b. Amount allowed.....\$439,393.82
2. Rejected on their merits at the board.
 - a. Amount claimed.....\$51,492.25
3. Decided by the board not to be within the convention.
 - a. Amount claimed.....\$9,278.26
4. Claims on which the board differed, which were reported to the umpire for decision, and on which allowance was made.
 - a. Amount claimed.....\$5,844,260.44
 - b. Allowed by American commissioners \$2,334,477.44
 - c. Allowed by Mexican commissioners...\$191,012.94
 - d. Allowed by umpire.....\$1,586,745.86
5. Rejected by the umpire on their merits.
 - a. Amount claimed.....\$59,967.40
 - b. Allowed by American.....\$57,754.42
6. Decided by the umpire not to be within the cognizance of the board.
 - a. Amount claimed.....\$88,351.78
 - b. Allowed by American commissioners..\$86,080.01
7. Returned by the umpire undecided.
 - a. Amount claimed.....\$1,864,939.56
 - b. Allowed by American commissioners..\$928,627.88
8. Cases submitted too late to be considered by the board.
 - a. Amount claimed.....\$3,336,837.05

¹ Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 77-79.

² *Ibid.*, pp. 201-204.

9. Recapitulation.

- a. Total amount of claims presented \$11,850,589.49
- b. Total amount of claims undecided ..\$5,201,776.61
- c. Total amount of awards \$2,026,139.68¹

On February 26, the Mexican commissioners wrote Webster that they had tried, on the last day of the board's session, to have a minute adopted to the effect that their government had done all in its power to fulfill every duty contracted by it in the convention. They desired this minute in order that the responsibility for any failure on the part of the commission might rest on those who had occasioned it. They severely criticised the conduct of the claimants, saying that they had not, in spite of the multiplied notices, presented their claims in due time and in complete form. They had been negligent throughout the greater part of the period of the board's existence and had become active during only the last few days of its sessions. Here, they thought, lay the causes for any failure that might be attributed to the commission.²

This letter came into the possession of the American commissioners through Webster; and on March 2 they wrote him a reply to the charges made by their colleagues. Wholly different causes were assigned for the failure of the commission. The first four months of its sessions had been wasted in a fruitless discussion of rules for procedure. Many of the cases presented in time for action had been postponed until the close of the session because the documents connected with them had to be secured from Mexico. Others of these cases were refused consideration by the Mexican commissioners for a long time on the ground that they were not certain that the board had jurisdiction over them. "In at least seven-eighths of the cases submitted to the commissioners, they differed upon the essential merits of them, and this contrariety of opinion involved the necessity of consuming much of their time in preparing elaborate reports to the umpire." The delay of the claimants to present their cases was excused on the ground that for a long time they had no rules

¹ Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320. Or House Documents, 27th Congress, 2d Session. Vol. 5, No. 291. The above figures represent the totals, that is, principal and interest.

² Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 195-197.

to guide them and on the ground that the great differences between the commissioners had led to the belief that the convention would not be carried into effect. More than this, the indirect and circuitous manner that was devised for the presentation of their cases had discouraged them.¹

Another point of controversy arose over the disposition to be made of the documents in possession of the board. On February 26, 1842, the American commissioners notified Webster that the Mexican commissioners would not consent to any regulation in regard to the disposal of the documents, and had planned to take part of them to Mexico.² Webster informed them on March 17, that, according to the act of June 12, 1840, the documents or copies of them should be left with the Department of State at Washington.³ The next day the Mexican commissioners replied that they could not consent to give up all their papers; that those which were records of the Mexican courts must be kept; and that to give them up would be to defraud their government of its right to know what had been done.⁴ The question was dropped, but some of the documents were carried away by the Mexican commissioners.

According to the act of June 12, 1840, the American commissioners prepared a long and careful report to the Secretary of State, which was submitted April 23, 1842. In most respects it was an elaboration of the points contained in their letter to Webster on March 2. It, however, admitted that considerable delay had been occasioned by the failure of the claimants to present their cases in time. It emphasized the fact that the preparation of reports to the umpire had constituted a large part of the board's work, the American commissioners alone having sent him fifteen hundred closely written pages. Mexico's conduct in withholding documents which had been called for by the board was severely criticised. One description contained in the report was especially illuminating. "The rapid succession of chieftains," it said, "and the revolution of power in that country, made it exceedingly difficult in some instances to determine whether the wrongdoers were the functionaries of the existing power, rebels against that power, revolutionists,

¹ Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 195-197.

² *Ibid.*, pp. 194-195.

³ *Ibid.*, pp. 197-198.

⁴ *Ibid.*, pp. 201-204.

while the country was in a state of anarchy, or lawless depredators assuming to be clothed with authority, merely to facilitate the perpetration of wrong. The questions which arose required the consideration and application of the laws of nations, the principles of the commercial code, the discussion of the municipal laws of Mexico, and the revision of the acts of her domestic tribunals. On the subject of the municipal laws, the greatest difficulties were experienced. The actual legislation of Mexico as a sovereign power, was exceedingly imperfect. It did not afford a system of laws. What ordinances of Spain, or decrees of the code of the Indies, were in force in Mexico after its emancipation, was not explicitly declared by any act brought to the notice of the board. The decisions of the tribunals tended rather to confuse than to clear up this matter. The unsettled state of things in Mexico was as much evinced by the condition of her judicial establishments, as by anything else. The shifting of political power caused a like instability in her tribunals; their records were voluminous and obscure; and it was sometimes exceedingly difficult to ascertain the true state of facts, even as they appeared before the courts, or the distinct principles of law upon which these courts placed their adjudication.” This report constitutes the only authoritative statement of the problems which the commission faced; and, in spite of the fact that it takes the American point of view, it must be conceded that it seems fair and reasonable.¹

Like the other subjects of discussions between United States and Mexico prior to the Mexican War, the convention and the commission under it have been subjected to much bitter criticism. The commissioners, especially those of the Mexican government, have been abused; the umpire has been severely censured; and the claims which the board investigated have been ridiculed.

The claimants repeatedly attacked all the commissioners;² the House Committee on Foreign Relations pronounced the course pursued by the Mexican commissioners as one “of most questionable validity”;³ and Webster called it in some respects very extraordinary, saying that “Spanish punctilio was run out

¹ Report given in Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 208-255.

² Senate Documents, 27th Congress, 2d Session. Vol. 4, No. 320, pp. 1-89.

³ House Reports, 27th Congress, 2d Session. Vol. 5, No. 1096, p. 22.

to its extremest."¹ Perhaps the commissioners do deserve some censure, since they wasted much time over foolish discussions and disagreed *in toto* on most of the claims. Nevertheless, their failure to adjust the complaints does not lie so much in this as in the dilatory conduct of the claimants and in the almost insurmountable difficulties which the investigation afforded. The minutes of the board and the reports of its findings both bear throughout marks of an earnest desire on the part of its members to do their duty.

The claimants censured the umpire so severely that President Tyler had to vindicate him in a message to Congress.² So far as Baron Roenne's conduct was concerned, nobody had any right to judge since he corresponded with no one except his own government regarding the reasons which led him to make his respective decisions. This correspondence was secret and has always remained so. Twice our government has tried to secure it from the Prussian archives, but without success.³

There has been no end to the criticism and ridicule that has been heaped upon the claims themselves.⁴ No doubt much of it has been just. Yet it must be conceded that their validity was submitted to the best known test, arbitration, which resulted in a plain verdict that they were not wholly bad. The commissioners and umpire rendered a definite decision on claims amounting to \$6,648,812.88. Of this amount they rejected on the basis of merits only \$111,459.65, and on the remainder, they rendered awards amounting to \$2,026,139.68. Nearly one third of the amount claimed was, therefore, considered valid; and, as claims usually go, this was not a bad showing. No opinion, of course, can be given on the claims left undecided or submitted too late for investigation. So far as the individual claims were concerned, the reports of the board and umpire show that they were mostly worthy. Only eight of them were rejected on merit and ten on the ground of jurisdiction. Subtracting these eighteen from the whole number decided, which was fifty-four, leaves

¹ Works (National Edition). Vol. 18, pp. 136-138.

² Senate Documents, 27th Congress, 2d Session. Vol. 5, No. 412.

³ Moore. International Arbitrations. Vol. 2, pp. 1238-1240.

⁴ For example, see Von Holst. Vol. 2, pp. 605-606 and Schouler (Revised Edition). Vol. 4, p. 445.

thirty-six that were at least in part good.¹ In view of these facts, it is entirely unfair to ridicule or condemn the claims as a whole.

There is other criticism of the convention and commission however, which has greater significance. In December, 1840, Adams said. "The convention itself and all the proceedings of the commissioners are of so very extraordinary a character that I cannot resist a very strong suspicion that it was intended by the Van Buren administration, not to obtain indemnification for citizens of the United States upon Mexico, but to keep open the sore and breed a war with Mexico, as machinery for the annexation of Texas to the United States. There is not a step in the whole series of transactions which has a tendency to the satisfaction or even to the adjustment of the claims. The convention itself is a mockery, the commission under it an imposture."² A year and a half later, after Tyler had become President, he reiterated this charge.³ Linn of New York made a speech in the House on April 13, 1842, in which he stated exactly the same thought. He said the United States would never have tolerated the foolish procedure of the Mexican commissioners, nor have allowed the board to continue, had it not been for a desire to get Texas.⁴ The same idea is implied in the following quotation from Jay: "Every man who had been in Mexico for the last twenty years, and could manufacture a wrong, was virtually invited to come forward and try his luck. There is also strong reason to believe that, when at the end of the first nine months all cases ready had been heard, it was found that the result would be so insignificant as to cast contempt and ridicule upon the Cabinet; and that, therefore, great efforts were made to induce reckless speculators and adventurers to come forward with claims which would at least swell the unliquidated claims, and furnish ground for continued and irritating complaint."⁵

These accusations usher in a new period in the history of the relations between United States and Mexico. The closing months of the commission witnessed the revival of the desire

¹ Moore. *International Arbitrations.* Vol. 2, p. 1244.

² *Memoirs.* Vol. 11, p. 43. December 24, 1840.

³ *Ibid.*, p. 209. July 15, 1842.

⁴ *Congressional Globe*, 27th Congress, 2d Session. Appendix, pp. 513-518.

⁵ Jay, pp. 71-72.

on the part of the administration in this country to secure Texas; and the old enemies of annexation were immediately on the ground with their charges of conspiracy. To them, of course, the commission had been a farce; and all because the administration had ulterior designs. They never cited a single item of evidence to justify their position so far as it related to the plan of arbitration. Nearly all of the claims with which the commission dealt were of long standing; and there is no evidence whatever which would show that any new one had been manufactured for the purpose of embarrassing the board or undermining it. In view of these facts, it seems but fair to discharge these accusations as unfounded. The other phase of the charges, relating to designs upon Texas, belongs to the history of succeeding events.

CHAPTER III

TYLER AND THE CLAIMS—1842-1845

The keynote of Tyler's administration was expansion. Henry A. Wise records an interview which he had with him shortly after he had succeeded to the Presidency and says that he referred to the annexation of Texas as the all-important measure of his administration.¹ On October 11, 1841, he sounded Webster on the question. "I give you a hint," said the letter, "as to the possibility of acquiring Texas by treaty. I verily believe it could be done, could the North be reconciled to it; would anything throw so bright a lustre around us? It seems to me that the great interests of the North would be incalculably advanced by such an acquisition. *Slavery*—I know that is the objection, and it would be well founded if it did not already exist among us, but my belief is that a rigid enforcement of the laws against the slave trade, would in time make as many free states South as the acquisition of Texas would add slave states, and then *the future* (distant it might be) would present wonderful results."² More than this, Tyler seems also to have had his eyes turned in the direction of California. Upshur, Secretary of the Navy and the President's intimate friend, recommended in his report of December 4, 1841, that the Pacific squadron be increased in view of the many interests that Americans had on that coast.³ There seems to be good reasons for believing that Commodore Jones was sent to the Pacific in accordance with this recommendation. Lyon G. Tyler, the President's son and his most enthusiastic biographer, does not deny that this may have been the motive.⁴

The designs of the administration were soon to be made public and in the most exaggerated form. Early in 1842 Tyler recalled Ellis from Mexico and nominated Waddy Thompson of South Carolina to the mission. On April 13, 1842, Linn of New York

¹ Lyon G. Tyler. "The Letters and Times of the Tylers." Vol. 2, p. 254.

² Van Tyne. Letters of Daniel Webster, p. 240.

³ Congressional Globe, 27th Congress, 2d Session. Appendix, p. 16.

⁴ Lyon G. Tyler. "The Letters and Times of the Tylers." Vol. 2, pp. 265-266.

moved in the House that the appropriation for the Mexican post be withdrawn, assigning as his reason the fact that the aim of the mission was to secure Texas. This so thoroughly aroused Wise that on the next day he made a sensational speech, saying things that he perhaps had no right to say. He stated that Texas alone was too weak to resist the invasion that Mexico was then planning against her; but that if it were once understood that Texas aimed to conquer the rich states to the South, thousands of hardy men from the Mississippi valley would flock to her standards and soon plant the lone star banner on the Mexican Capitol. He declared that if he had five million dollars he himself would attempt the work, secure a fourfold indemnity for the claims of American citizens, and "place California where all the great powers of Great Britain would never be able to reach it."¹

Adams immediately took up the question and raised again the cry of conspiracy. He thought Wise, being of the inner circle of Tyler's advisers, had babbled the whole project of the administration. A war was going to follow and Mexico was to be plundered of a great part of her territory. The claims were to be a pretext for this war; and the whole movement was to be the work of slavery men for slavery interests.² On March 3, 1843, Adams, Giddings, and eleven other members of the House issued an address to the free states of the Union, quoting Wise's speech and other evidence regarding the conspiracy, and warning the North to be on its guard, since the slavery interests were going to accomplish their purpose even if it destroyed the Union.³

Once more, it is the old question whether the United States was going to precipitate a war over the claims if it were found necessary to do so in order to get slave territory. Van Holst,⁴ Schouler,⁵ and a host of others give almost complete credence to Adams' interpretation. The facts, however, will not completely bear Adams out in his views. In part, he did divine the situation aright: he saw that Tyler was bound to extend the United States to the southwest. But his slavery antipathies led him to read things into the movement which do not seem to have

¹ Niles' Register. Vol. 64, p. 174.

² Memoirs. Vol. 11, pp. 209, 343 and 353.

³ Niles' Register. Vol. 64, pp. 173, 175.

⁴ Van Holst. Vol. 2, p. 627.

⁵ Schouler. Vol. 4 (Revised Edition), pp. 443-462.

been there. Neither the claims nor slavery played exactly the part that he thought they were going to play.

Tyler's first plan for securing territory appears to have been one which very few at that time knew anything about. This was to trade the claims for Texas and California. Thompson's first despatch to Washington, dated April 29, 1842, went aside from the main subject with which it dealt to discuss the question of acquiring territory. "I believe," said the letter, "that this Government would cede to us Texas and the Californias, and I am thoroughly satisfied that it is all we shall ever get for the claims of our merchants on this country. As to Texas I regard it as of but little value compared with California—the richest, the most beautiful and the healthiest country in the world. . . . In addition to which California is destined to be the granary of the Pacific. It is a country in which slavery is not necessary, and therefore, if that is made an objection, let there be another compromise. France and England both have had their eyes upon it;—The latter has yet. . . . If I could mingle any selfish feelings with interests to my country so vast, I would desire no higher honor than to be an instrument in securing it."¹

On May 9, he wrote the President in the same vein. "Since my first despatch to Mr. Webster," ran the letter, "I have had an interview with General Santa Anna and although I did not broach to him directly the subject of our correspondence I have but little doubt that I shall be able to accomplish your wishes and to add also the acquisition of Upper California. This latter I believe will be by far the most important event that has occurred to our country. Do me the favor to read my despatch to Mr. Webster in which my views of the matter are briefly sketched. I should be most happy to illustrate your administration and my own name by an acquisition of such lasting benefit to my country. Upon this subject I beg your special instructions both as to moving in the matter and the extent to which I am to go in the negotiations and the amount to be paid. The acquisition of Upper California will reconcile the Northern people as they have large fishing and commercial interests in the Pacific. . . .

¹ MS. Archives, Department of State, Despatches from Agents in Mexico. Vol. 11.

Be pleased also to have me pretty strongly instructed on the subject of claims or leave the responsibility to me."¹

Webster replied on June 27, saying, "That part of your despatch No. 1 relative to California and your private letter to the President of the 9th of May have been considered. . . . In seeking acquisitions, to be governed as Territories, and lying at a great distance from the United States we ought to be governed by our prudence and caution; and a still higher degree of these qualities should be exercised when large Territorial acquisitions are looked for, with a view to annexation. Nevertheless, the benefit of the possession of a good Harbour on the Pacific is so obvious, that to that extent, at least, the President strongly inclines to favor the idea of a treaty with Mexico. . . . You are at liberty to sound the Mexican Government upon the subject of a cession of the Territory upon the Pacific, in satisfaction of those claims, or some of them. . . . I do not think that England has any present purpose of obtaining that important place, or would interpose any obstacle to the acquisition of it by the United States. What may be the wishes of France in this respect, I cannot say. You will please proceed in this matter very cautiously, and quite formally; seeking rather to lead the Mexican Secretary to talk on the subject, than to lead directly to it yourself. You will be particularly careful not to suffer the Mexican Government to suppose that it is an object upon which we have set our hearts, or for the sake of which we should be willing to make large remuneration. The cession must be spoken of rather as a convenience to Mexico, or as a mode of discharging her debts."²

In view of the fact that Mexico had taken no steps toward the payment of the awards made by the commission, and in view of the fact also that the undecided claims as well as new ones were being urged against her, it might have been reasonably hoped that she would at least consider Webster's proposal. But the proposition was scarcely out of his hands when he received a most sharp and hostile note from Boeanegra, the Mexican Secretary of State, denouncing the United States for openly and publicly ignoring the obligations of neutrality with reference to

¹ MS. Archives. Department of State. Despatches from Agents in Mexico. Vol. 11.

² Van Tyne. Letters of Daniel Webster, pp. 269-270.

Mexico's renewed attempt to put down the rebellion in Texas and bring that province back under her control.¹ Webster gave the note a masterly reply on July 8;² but the event went a long way toward destroying the plan of trading the claims for territory. Whatever hopes of its success may have remained were soon to be completely blasted by another incident. Commodore Jones of the Pacific squadron, learning of the sharp correspondence between Bocanegra and Webster, chanced to come into possession of certain newspapers which led him to believe that war had actually begun between United States and Mexico. In view of this, he felt it to be his duty to secure some point on the Pacific Coast in order to guard the American interests there. Consequently in October, 1842, he attacked and captured the city of Monterey. Although he held it but one day and although the United States disavowed the act at once, yet the affair brought forth sharp correspondence and more bitter feeling.³ On January 30, 1843, Thompson wrote Webster that "it is wholly out of the question to do anything as to California and after recent events there it would be imprudent to allude to it in any way."⁴

Tyler now gave up all idea of trading the claims for territory. The events connected with it, however, are interesting and important, since they cast some light upon the motives behind it. If Tyler's letter to Webster on October 11, 1841, were sincere, then slavery was a stumbling block to his policy of expansion rather than a help. Thompson's correspondence shows the same thing, since he suggested another compromise in order to get slavery out of the question. More than this, Webster, the man whom the anti-slavery party quoted with so much pride as voicing the sentiments of the North, gave his consent to the acquiring of California in payment of the claims. If Tyler were in a slave state conspiracy to get land, then Webster was an accomplice to it. It is true that Webster might not have known the designs of the President; and yet he certainly had a better chance to know them than Adams did.

The other charge that Tyler left the claims grievance open in

¹ House Documents, 27th Congress, 2d Session. Vol. 5, No. 266, pp. 5-6.

² *Ibid.*, pp. 7-15.

³ House Documents, 27th Congress, 2d Session, Vol. 5, No. 166.

⁴ Webster MSS. Library of Congress. Vol. 3, p. 163.

order that he might resort to it as a cause for war to accomplish his designs can be answered only by a study of the history of these complaints during his administration.¹

At the time the sharp correspondence over neutrality was going on, Webster addressed, July 9, 1842, a letter to Thompson on the claims. In this he criticised the conduct of the Mexican commissioners on the board of arbitration; objected to that provision in the convention which allowed Mexico to pay the awards in treasury notes, since now they were worth not more than twenty-five per cent of face value; and concluded that "Mexico must understand that, having consented to very moderate compensation for the injuries of citizens of the United States, we shall insist upon payment of that compensation in some straightforward and satisfactory manner."²

Thompson now proceeded to negotiate for the payment of the awards and for the adjustment of those claims that had been left undecided by the late commission. His work resulted in a convention which was signed January 30, 1843. This provided that on April 30, 1843, the Mexican government should pay all the interest then due on the awards in gold and silver coin; and, beginning with this date, should pay in equal quarterly installments the principal and accruing interest until the whole debt were cancelled. Article six provided for the undecided claims. "A new convention," it stipulated, "shall be entered into for the settlement of all claims of the Government and citizens of the United States against the Republic of Mexico, which were not finally decided by the late commission which met in the city of Washington, and of all claims of the Government and citizens of Mexico against the United States." This last clause, it should be noted, put a new question into the claims controversy.³

Thompson's correspondence shows that he had experienced difficulties in winning Mexico over to the terms of the convention. This was no doubt due to the bitter feeling which had been aroused by the neutrality correspondence and the Jones episode. In consequence of this, Mexico became more bold and less willing to consent to demands. Thompson thought the first clause of article six of the convention quite a victory

¹ Von Holst states this charge, Vol. 2, p. 627.

² Webster's Works (National Edition). Vol. 18, pp. 136-138.

³ Treaties and Conventions, pp. 560-563.

since the claims would have been wholly lost had it not been for it. In his letter of November 8, 1842, he explained why he felt satisfied with his work; and this explanation is especially interesting and illuminating. He implied that the United States ought to be thankful that Mexico had been induced to agree to an adjustment of the claims left undecided by the commission, since they were "not of such a character of manifest and indisputable justice, and very far from being so, in their amounts" as to have justified war. He then commented upon the possibility and justice of a war over these claims. "The only other alternative left," he said, "would have been coercion by war or blockade,—would this have secured the immediate payment? It might in vengeance and blood,—but not in money. It would doubtless have injured the Mexicans greatly, but it would have been a long time—two years at least—before they would have been brought to terms, if even then,—which I doubt. . . . And more than all a war for money is at all times to be avoided, if indeed such war is ever justifiable; and it has occurred to me that it would be with somewhat of bad grace that we should war upon any country because it could not pay its debts when so many of our own States are in the same situation."¹ These statements from the letter were never submitted to Congress by the President.

Three weeks later, Thompson again wrote in the same vein. In speaking of some of the claims, among which was that of William Parrott for \$690,000, he said, "These claims are not of such a character as to justify menace and the execution of that menace if compliance is refused. I am constrained to say that if they were referred to me as a judge, I could not admit them, nay more, I cannot with a clear conscience assist them." Of Parrott's claim he remarked, "To assist such a claim would subject both me and the Government to ridicule, if nothing more." In another place in the letter, he did say that "Claims of the most manifest and admitted justice were postponed from day to day and from year to year"² In communicating extracts of this letter to Congress, Tyler included the last quotation, but omitted the other references to the claims.

¹ MS. Archives. Department of State. Despatches from Agents to Mexico. Vol. 11. The parts of the letter quoted are marked for omission.

² MS. Archives. Department of State. Despatches from Agents in Mexico. Vol. 11, p. 352, or letter dated November 30, 1842.

If, as Adams thought, Thompson had been sent to Mexico to keep the claims controversy an open sore, then he conducted himself badly. His negotiations show that instead of increasing hostility, he tried to settle the claims by conceding even more than he ought to have conceded.¹ More than this, instead of giving the administration at Washington material for war talk he gave just the opposite kind and of so strong a character that it did not seem wise to make it public. It is impossible to say what Tyler's motives were in omitting the statements condemning a war in his transmission of extracts to Congress. Whatever they may have been, this conduct does not prove that he desired war. Even if he had not entertained the slightest idea of going to war, it would have been absurd for him to have submitted these statements to the public.

Mexico now began to pay the installments as provided for in the convention of January 30, 1843;² and the United States opened negotiations for a new convention as contemplated in its sixth article. On July 25, 1843, Upshur, now Secretary of State, sent Thompson elaborate instructions regarding the nature of the stipulations which should appear in the new agreement. The commission to be formed must have jurisdiction over all the claims returned to the former board by the umpire without decision, all those which had not been presented to it in due time, and all those presented in due time but not acted upon. Individual claims must be first disposed of; and when dealing with such, the board was to be a *judicial* and not a *diplomatic* body. The claims of the respective governments upon one another were to be confined to such wrongs only as admitted of compensation in money. When considering these claims, the board was to act as a diplomatic body. The United States would permit no claim urged against it by the Mexican government to go before the commission without first knowing its precise character and giving its assent to submit it to arbitration. The claims of one government upon the other must be dealt with as a matter wholly separate from that of the individual complaints. The danger that would arise from a confusion of the two classes

¹ The second clause of article six of the convention was a considerable concession.

² She had to resort to a forced loan in order to do it. See Niles' Register, Vol. 64, pp. 229 and 259.

of claims was pointed out again and again. The instructions plainly show that the United States did not wish to submit to arbitration any claim which the Mexican government as such had against her. Upshur remarked in the letter that this government knew of no claim of a pecuniary character that Mexico had against us. Special directions were given in regard to Parrott's claim. Mexico's conduct in reference to it was bitterly criticised; and the instructions said to this claim, "*Our government* is now a party—not in interest, but in honor." Thompson's judgment of this claim, therefore, was completely repudiated. In order that the details of the new convention might be wholly satisfactory, a complete draft of it was sent along with the instructions. Thompson's directions were positive and peremptory; he was allowed no liberty even as to the minutest details.¹

The draft of the convention sent by Upshur was not satisfactory to Mexico. She wanted the new board to be a diplomatic and not a judicial body; and she wished to deny it the right to pass upon those claims which had been rejected by the late commission on the ground of jurisdiction and also those which had not been presented to it. She desired the place of meeting to be Mexico City instead of Washington.² Thompson succeeded in winning over Mexico to his demands except as to the place of meeting. He conceded this point, he said, because Mexico made it a *sine qua non*, because it was a minor matter, and because Mexico had much reason on her side in the argument.³

The convention as signed November 20, 1843, was much like that of April 11, 1839, except that it tried to obviate some of the latter's weak points. All the claims of citizens of the United States against Mexico left in any way undecided by the late commission, all the claims of Mexican citizens against this country, and all claims of the two governments as such against one another were to be submitted to a board of four commissioners which was to have two years in which to complete its work. The umpire was to be chosen by the King of Belgium; and in case of his refusal, the King of Denmark or the Emperor of Austria. The umpire was to have three months after the close of the

¹ House Documents, 28th Congress, 2d Session. Vol. 4, No. 158, pp. 3-14.

² *Ibid.*, pp. 16-17.

³ *Ibid.*, p. 20. Also Thompson's Recollections, pp. 225-226.

board's sessions to decide any claims that remained in his hands. Each nation agreed to furnish documents; and in case of a refusal, the point for which the document was called would be held valid as claimed. In deciding upon the claims of individuals, the board was to sit as a judicial body; when deciding those of the respective governments, article fifteen of the convention provided a special method whereby the commissioners would act as the agents of their governments and when they failed to agree, they were to be empowered to refer the case to the arbiter.¹

The Senate ratified the convention January 30, 1844, but made two important changes in it. The place for the meeting of the commission was changed from Mexico City to Washington; and the article providing for the arbitrament of the claims that the two governments had upon one another was entirely stricken out.² This action of the Senate is extremely significant. In spite of Thompson's statement that Mexico made the meeting of the board in Mexico City a *sine qua non*, yet the Senate changed it. And in direct violation of the last clause of article six of the convention of January 30, 1843, the Senate struck out all provision for settling the claims which the governments had against one another.

Ten days after the Senate's ratification, Upshur sent Thompson a long letter explaining the causes for the changes. Stripped of profuse arguments and senseless apologies, it appears to have assigned two reasons for the Senate's amendments. First, Mexico City was not a convenient place for the meeting of the commission since nearly all the claimants and documents were in this country. And second, "It never could have been in the contemplation of the parties to refer to the umpirage of a third power any question involving national dignity and honor." In this connection, the letter again pointed out that neither government had any claims against the other which rested on a pecuniary consideration.³

What truth there was in these explanations, it is difficult to say. Von Holst implies that the Texas question may have had

¹ House Documents, 28th Congress, 2d Session. Vol. 4, No. 158, pp. 28-32.

² Executive Journal. United States Senate. Vol. 6, pp. 228-229.

³ MS. Archives. Department of State. Instructions to Agents in Mexico. Vol. 15, pp. 275-288. Letter dated February 9, 1844.

something to do with the Senate's conduct.¹ In the fall of 1843, a fear of British influence had led Tyler and Upshur to open up the annexation project. Texas was secretly invited to join the Union, but Houston turned a cold shoulder to the proposition. This being the situation when the convention was presented to the Senate, it is thought that the administration quietly induced the Senate to practically nullify the treaty so that there might remain causes for a war through which Texas could be gotten. There is no evidence which will justify this suspicion. The profound secrecy with which the annexation movement was conducted makes it seem incredible that the Senate could have been influenced by it. More than this, the same Senate that nullified the convention, two months later rejected the Texas treaty. If the slave state interests were dominating the Senate, then it becomes impossible to explain why fifteen slave state members voted against the annexation treaty. It is unnecessary to assume the existence of ulterior motives to explain one of the Senate's changes. It was patent to everybody that Mexico's one claim against the United States was with reference to the violation of neutrality regarding Texas. The Senate no doubt saw that it would be worse than useless to permit a commission to wrangle over this. Succeeding events will show, too, that Tyler had no thought of going to war over the claims; his mind was completely engaged in a different policy.

While the Texas treaty was under negotiation, Mexico ceased to pay the awards under the convention of January 30, 1843. The installment due April 30, 1844, was not met. Green, acting as a *chargé d'affaires* in Mexico, declared in a letter to Calhoun of May 16 that Mexico was "expecting from day to day to hear of the annexation of Texas, which will offer an excuse for not paying at all."² On June 20, Calhoun, Secretary of State, wrote Shannon, who had taken Thompson's place in Mexico, directing him "to remonstrate in the strongest terms against this apparent indifference to the obligation of contract."³ Shannon's remonstrances, however, were met with such sharp answers that on November 8 he refused to communicate further with the Mexican government until he received new instructions

¹ Von Holst. Vol. 2, pp. 635-636.

² House Documents, 28th Congress, 2d Session. Vol. 4, No. 144, p. 14.

³ Senate Documents, 28th Congress, 2d Session. Vol. 1, No. 1, pp. 21-24.

from Washington.¹ Four days later he explained his conduct to Calhoun, saying that if he had followed his own feelings he would have demanded his passports. He remarked that he thought the policy of forbearance towards Mexico a mistaken one and suggested that Congress ought "to begin to act, and vindicate the honor of the country as well as the just rights of our plundered citizens."²

On December 19, 1844, Tyler sent Shannon's correspondence to Congress, accompanying it with a four-page message which reviewed the numerous grievances we had against Mexico. "A course of conduct," said the message, "such as has been described on the part of Mexico . . . might well justify the United States in a resort to any measures to vindicate their national honor; but actuated by a sincere desire to preserve the general peace, . . . the Executive . . . abstains from recommending to Congress a resort to measures of redress, and contents itself with reurging upon that body prompt and immediate action on the subject of annexation."³

This message meant that Tyler was going to ignore the claims for the time being and bend all his energies to the securing of Texas. At any rate he did this. He evidently cared nothing for the grievances against Mexico further than to make them look large in the eyes of his enemies so that they could not hurl at him the accusation that he was despoiling an innocent sister republic.

Although the claims had nothing to do with the final act in the annexation drama, nevertheless the history of this act throws some important light upon the motives that lay back of Tyler's whole Mexican policy. When the Joint Resolution was before Congress from January to March, 1845, slavery extension constituted the most important subject of discussion in connection with it. Sumner said that the grand impelling motive of annexation "was the desire to extend the institution of slavery, and to strengthen the political combination and power which are founded upon it."⁴ Hundreds of references containing the same idea

¹ House Documents, 28th Congress, 2d Session. Vol. 1, No. 19, pp. 19-27.

² *Ibid.*, pp. 5-8. See also Reports of American Historical Association. Vol. 2, (1899), p. 995.

³ House Documents, 28th Congress, 2d Session. Vol. 1, No. 19, pp. 1-4.

⁴ Report to the Massachusetts Legislature, April, 1847. Old South Leaflets. Vol. 6, pp. 140-141.

might be cited. Up to the last decade, this interpretation has been the accepted one. The annexation of Texas was simply the climax of a great conspiracy that southern statesmen had been cherishing for twenty years.

Some later American historians, however, refute this interpretation. John Bassett Moore,¹ Albert Bushnell Hart,² and George Pierce Garrison³ maintain that annexation was in the end the "triumph of the impulse toward expansion." They hold that slavery was a drawback to the movement; and, had it not been for the struggles over it, annexation would have been accomplished earlier and with great ease. The vote in Congress on the Joint Resolution furnishes an interesting commentary on this later interpretation. In the Senate, fourteen slave state and thirteen free state men voted for the resolution, and twelve slave and thirteen free state men against it. In the House, sixty-seven slave state and fifty-three free state men were in favor of it, and eighteen slave and eighty free state men against it.⁴ Webster declared that it was the North that let in Texas.⁵ There is no manner in which this vote can be explained away. The question had gone to the people in the presidential campaign of 1844, and they had decided for it. The debate in Congress was full and complete; in fact, it was one of the famous debates in the history of that body. To call the vote a party vote does not alter the matter. It was not a line up along slave and free state interests. Tyler's expansion policy had won because he had a majority of Congress and the country on his side. Expansion was the grand impelling motive back of Tyler's administration; and when this is known, it is unnecessary to read conspiracy into every act that grew out of the Mexican relations. The claims were an insignificant matter with Tyler; and it seems doubtful whether he ever thought of going to war over them. Slavery was a tremendous problem which he had to face; but again it seems certain that he was not in conspiracy with her so far as his Texas policy was concerned.

¹ "American Diplomacy," p. 234.

² "National Ideals Historically Traced," p. 26.

³ "Westward Extension," pp. 149-150.

⁴ Worked out from the House and Senate Journals, 28th Congress, 2d Session.

⁵ Works (Old Edition). Vol. 2, pp. 553-554, 437-438 and Vol. 5, p. 260.

CHAPTER IV

CLAIMS AND THE MEXICAN WAR—1845-1848

As in the case of Tyler, expansion was to be one of the great aims of Polk. George Bancroft, his Secretary of Navy, said in a letter to Schouler of February, 1887, that the acquisition of California was from the beginning of his administration one of the four great measures which he intended to accomplish.¹ Scores of references from Polk's diary and public documents might be cited to show the truth of this statement. This is an intensely important fact, since no just estimate of the part that the claims or slavery played in the Mexican War can be arrived at unless it be kept constantly in mind. Still once more, it is the old question whether the claims were made a pretext for war in order that new slave territory might be added to the Union.

When Polk became President, the Mexican situation was this. Mexico had ceased to pay the awards under the convention of January 30, 1843; and the convention of November 20 of the same year had failed to be ratified, thereby leaving all the undecided and new claims to be a source of grievance between the two countries. Besides this, the diplomatic relations were completely severed, since Mexico had withdrawn her minister from Washington at the time Congress passed the Joint Resolution annexing Texas, and since United States had all but recalled Shannon from Mexico by rebuking him for breaking the negotiations over the claims in November, 1844. Polk's first task was, therefore, to renew diplomatic relations.

On March 28, 1845, Polk sent as a secret agent to Mexico William S. Parrott, the man whose large claim had caused so much trouble, and instructed him to determine whether Mexico would be willing to renew intercourse; and if he found that she would, then he was to make known his official character and inform her that this government would send a minister as soon as official information were received in regard to her willingness to accept him.²

¹ Schouler, Vol. 4 (Revised Edition), p. 499.

² Jesse S. Reeves. "American Diplomacy under Tyler and Polk," pp. 270-271.

During the summer of 1845, despatches were received from Parrott and other agents in Mexico which led Polk to believe that a minister would be received. Accordingly he called a cabinet meeting on September 16 and laid the matter before it. What took place at this meeting is thus described by the President in his diary: "After much consultation it was agreed unanimously, that it was expedient to re-open Diplomatic relations with Mexico;—but that it was to be kept a profound secret—that such a step was contemplated,—for the reason mainly that if it were known in advance in the U. S.—that a minister had been sent to Mexico,—it would of course be known to the British, French and other Foreign Ministers at Washington,—who might take measures to thwart or defeat the objects of the mission. The President in consultation with the Cabinet agreed that the Hon. John Slidell of New Orleans,—who spoke the Spanish language,—and was otherwise well qualified should be tendered the mission. . . . One great object of the mission as stated by the President, would be to adjust a permanent boundary between Mexico and the U. States,—and that in doing this the minister would be instructed to purchase for a pecuniary consideration Upper California and New Mexico. He said that a better boundary would be the Del Norte from its mouth to the Passa in latitude about 32° North, and thence West to the Pacific Ocean,—Mexico ceding to the U. S. all the country east and north of these lines. The President said that for such a boundary,—the amount of pecuniary consideration to be paid,—would be of small importance. He supposed it might be had for fifteen or twenty millions, but was ready to pay forty millions for it, if it could not be had for less. In these views the Cabinet agreed with the President unanimously."¹

The next day information was received which made the President doubt whether a minister would be accepted by Mexico. It was then decided that Mr. Black, a consul in Mexico, should be instructed to find out; and accordingly Buchanan, Secretary of State, immediately addressed him a letter asking him "to ascertain from the Mexican Government whether they would receive an envoy from the United States, intrusted with full power to adjust all the questions in dispute between the two govern-

¹ Polk's MS. Diary. New York Public Library. Entry for September 16, 1845.

ments."¹ On October 13, 1845, Black put the question in Buchanan's own words to Peña y Peña, the Mexican Minister of Foreign Affairs.² Two days later, Peña y Peña answered "that although the Mexican nation is deeply injured by the United States, through the acts committed by them in the department of Texas, which belongs to this nation, my government is disposed to receive the commissioner of the United States who may come to this Capital with full powers from his government to settle the present dispute in a peaceful, reasonable, and honorable manner." As a pre-condition, however, United States must recall the naval force lying in the Gulf of Mexico.³

While the President was waiting for this information, he took the second step in his California policy. As early as June 24, 1845, Bancroft, Secretary of the Navy, had written Commodore John D. Sloat, commander of the United States naval forces in the Pacific, instructing him, in the event of a declaration of war by Mexico against the United States, to immediately take possession of the port of San Francisco and blockade such other ports as his forces would permit.⁴ Polk now sent, October 17, 1845, Thomas O. Larkin as a secret agent to California, instructing him to inspire the people of the territory "with a jealousy of European dominion, and to arouse in their bosoms that love of liberty and independence so natural to the American Continent." He was also authorized to say that, while the President would use no undue influence to get California "yet if the people should desire to unite their destiny with ours they would be received, as brethren, whenever this can be done without affording Mexico just cause of complaint."⁵

By November 7 Black's correspondence with Peña y Peña was received; and on this day, Polk and Buchanan began to discuss the instructions which were to be given to Slidell as minister to Mexico.⁶ By the next day they were finished and submitted to the Cabinet where they were "discussed, amended, and agreed

¹ House Documents, 29th Congress, 1st Session. Vol. 6, No. 196, p. 8.

² House Documents, 29th Congress, 1st Session. Vol. 6, No. 196, pp. 10-11.

³ *Ibid.*, pp. 11-12.

⁴ House Documents, 30th Congress, 1st Session. Vol. 7, No. 60, p. 231.

⁵ Moore. *Works of James Buchanan*. Vol. 6, pp. 275-278. On October 30, Lieutenant Gellespie was sent to co-operate with Larkin. See Polk's Diary for this date.

⁶ Polk's MS. Diary for November 7, 1845.

to unanimously."¹ There is no evidence that either Polk or the members of his Cabinet raised the question regarding the difference between the proposition which United States put to Mexico and the thing to which Mexico agreed. United States asked if Mexico would accept an envoy with full power to settle all disputes between the two nations, and Mexico replied that she would receive a commissioner entrusted with full power to settle the present dispute; that is, the Texas affair. Whether Polk purposely ignored the difference it is impossible to say. At any rate, Slidell went to Mexico under full powers of a minister.

As noted above, his instructions had been prepared with great care. Excepting the introduction, which restated the Monroe Doctrine,² these instructions dealt with two questions, that of the claims and that regarding the boundary, and they showed how one of these might be made to solve the other.³

"The history of no civilized nation," said the instructions, "presents in so short a period of time so many wanton attacks upon the rights of persons and property as have been endured by citizens of the United States from the Mexican authorities." The history of the claims was then taken up and the duty of adjusting them was enjoined upon Slidell. "But in what manner," continued the letter, "can this duty be performed consistently with the amicable spirit of your mission? The fact is too well known to the world, that the Mexican government are not now in a condition to satisfy these claims by the payment of money. Unless the debt should be assumed by the government of the United States, the claimants cannot receive what is justly their due. Fortunately, the joint resolution of Congress, approved 1st March, 1845, 'for annexing Texas to the United States,' presents the means of satisfying these claims, in perfect consistency with the interests, as well as the honor of both republics. It has reserved to this government the adjustment 'of all questions of boundary that may arise with other governments.' This question of boundary may, therefore, be adjusted in such a manner between the two republics as to cast the burden of the debt due to American claimants upon their own government, whilst it will do no injury to Mexico."

¹ Polk's MS. Diary for November 8, 1845.

² Polk sincerely believed that England was trying to get California.

³ For these instructions see Senate Documents, 30th Congress, 1st Session. Vol. 7, No. 60, pp. 33-43.

Then followed specific propositions whereby the claims might be traded for a cession of territory. If Mexico would part with that remote and detached province of New Mexico, the United States would assume all the claims and pay five million dollars besides. In case she did not wish to cede this much, and would agree to the Del Norte boundary as laid down in the act of the Texan Congress of December 19, 1836, then this government would assume simply the payment of the claims. But in the event that Mexico would be willing to cede California, then "money would be no object." The United States would assume all the claims and give twenty-five million dollars besides for a boundary "running due west from the southern extremity of New Mexico to the Pacific Ocean, or from any other point on its western boundary which would embrace Monterey within our limits." Twenty million dollars and the assumption of the claims would be given "for any boundary commencing at any point on the western line of New Mexico and running due west to the Pacific, so as to include the bay and harbor of San Francisco."

The nature of Slidell's instructions were kept profoundly secret. Polk says that Mr. Trist and his private secretary were the only persons outside of his Cabinet who knew anything about them.¹ Slidell even apologized to Buchanan for telling his wife about the mission.² These instructions were never made public until the treaty closing the Mexican War was submitted to Congress.³ Polk reviewed the Mexican situation in his annual message of December 2, 1845, describing the flagrant wrongs we had suffered at the hands of that government, but concluded that he would await the results of Slidell's mission before recommending ulterior measures of redress.⁴

Slidell reached Mexico about December 1, at the very time Herrera's government was tottering to its fall due to another revolution. The Mexican government informed him before he reached the capital that they were not expecting an envoy yet for

¹ Polk's MS. Diary, November 10, 1845.

² Curtis. *Life of Buchanan.* Vol. 1, pp. 591-592.

³ Nevertheless, the objects of the mission were correctly guessed within a month after the instructions were written. See *Niles' Register.* Vol. 69, pp. 209, 147-148, 161, 203 and 244-245. See also *National Intelligencer* for December 13, 15, and 18, 1845.

⁴ Senate Documents, 29th Congress, 1st Session. Vol. 1, No. 1, pp. 6-9.

a month and that they were being called traitors for offering to negotiate with the United States.¹ Slidell paid no attention to this caution, but pressed vigorously the question of his recognition. On December 20, Peña y Peña informed him that his government could not accept him in his full capacity as minister. He declared that Mexico had agreed to receive only a commissioner who had full power to adjust the one dispute which had caused the rupture of diplomatic relations, namely, the annexation of Texas. No friendly relations could be established until this was settled; and when Slidell received power to act specifically upon this subject, then he would be received.

Four days later, December 24, 1845, Slidell answered Peña y Peña, making a sharp attack upon Mexico's refusal to receive him. And although he had no right to discuss diplomatic questions with that government prior to his recognition, nevertheless, he opened up the subject of claims. He gave them a bitter characterization and then added: "The United States have never yet, in the course of their history, failed to vindicate, and successfully, too, against the most powerful nations of the earth, the rights of their injured citizens. If such has been their course in their infancy, and when comparatively feeble, it cannot be presumed that they will deviate from it now." Three days later he withdrew to Jalapa to await new instructions from his government.²

In the meantime, news of Slidell's treatment had reached Washington; and, on January 13, 1846, the President directed the Secretary of War to order General Taylor to advance and occupy a position on or near the east bank of the Rio del Norte River.³ A week later, Buchanan sent Slidell his commission as minister to Mexico and with it a new set of instructions. These approved of his course so far and pointed out that Mexico was evidently quibbling over the mere form of his credentials for the purpose of evading "the redress of the real injuries of our citizens, by confining the negotiation to the adjustment of a pecuniary indemnity for its imaginary rights over Texas." This could not be tolerated; the two subjects of claims and boundary must go

¹ Brantz Mayer. *History of the Mexican War*, pp. 80-81.

² For Slidell correspondence so far, see House Documents, 29th Congress, 1st Session. Vol. 6, No. 196, first 40 pages.

³ *Ibid.*, pp. 25-28.

hand in hand. As to the general policy which Slidell was to pursue, the instructions said, "The desire of the President is, that you should conduct yourself with such wisdom and firmness in the crisis, that the voice of the American people shall be unanimous in favor of redressing the wrongs of our much injured and long suffering claimants."¹ Still a week later, Buchanan again addressed Slidell, saying, "Should the Mexican government, however, finally refuse to receive you, the cup of forbearance will then have been exhausted. Nothing can remain but to take the redress of the injuries to our citizens, and the insults to our government, into our own hands."²

These two letters of January 20 and 28 did not reach Slidell until March 1; and in the meantime, the President's mind had become very active in formulating schemes for settling the Mexican situation. On February 13, Polk received a visit from Colonel Atacha who represented himself as a Spaniard by birth, a naturalized citizen of the United States, and an intimate friend of Santa Anna whom he had recently visited in Havana where in exile. From this interview, Polk learned that Santa Anna was back of the Paredes revolution and would soon be restored to power in Mexico, in which event he would cede to the United States the territory desired for thirty million dollars. On the following day, Polk laid this information before his Cabinet and cautiously suggested that C. P. Van Ness be sent as a secret agent to Santa Anna. Buchanan opposed the scheme.³

Two days later, Polk gave Atacha another interview two hours in length. In the conversation, Atacha emphasized the fact that United States must make a show of force against Mexico before anything could be accomplished. Polk made no reply further than to say that Mexico would have to satisfy the claims.⁴ Polk again laid the matter before the Cabinet and "an animated conversation took place." The part the President took in it is thus described in his diary: "I expressed the opinion—

¹ House Documents, 29th Congress, 1st Session. Vol. 6, No. 196, pp. 44-45.

² *Ibid.*, pp. 46-47.

³ Polk's MS. Diary, February 13 and 14, 1846. Although Polk says nothing about it in his diary, nevertheless a secret agent was sent to Santa Anna and the United States did help him back to Mexico. See a letter of Alexander Slidell MacKenzie to Buchanan, June 7, 1846, quoted by J. S. Reeves, "American Diplomacy under Tyler and Polk," pp. 299-307.

⁴ Polk's MS. Diary, February 16, 1846.

that it would be necessary to take strong measures towards Mexico,—before our difficulties with that Government could be settled, and I proposed that in addition to Mr. Slidell's present instructions, he should be further instructed to demand an early decision of the Mexican Government, whether they would receive him as minister or not; and if they received him whether they would without unreasonable delay,—pay the amount due to American claimants; and that if that Government refused to do one or both, that he should leave the country, but instead of returning immediately to the U. States, as he had been instructed to do, he should go on board one of our vessels of war at Vera Cruz, and there remain until he had further instructions from his Government. I stated that in that event I would send a strong message to Congress calling on that body to authorize me to cause another demand to be made by Mr. Slidell from on board the vessel of war, on the Mexican Government, to pay our demands, and if this was refused by Mexico, to confer authority on the executive to take redress into our hands, by aggressive measures." Buchanan again opposed the scheme, and the President went on to describe the bad mood of his Secretary of State and the strained relations that existed between them.¹

The President's aggressive measures having thus been thwarted he now turned to a different plan. On March 12, he had Buchanan issue additional instructions to Slidell directing him not to leave Mexico without making a formal demand for recognition, since if he did the support of the President in Congress might be affected in case war had to be declared. As a last resort to peaceful methods, the letter also said, "It would be easy for you to make known to him (Paredes) in some discreet manner that the United States were both able and willing to relieve his administration from pecuniary embarrassment, if he would do us justice and settle the question of boundary between the two republics."² Polk tried to get Congress to appropriate a million dollars to use in the negotiations; and consulted in regard to it Ingersoll, Cullom, Cass, Benton, and Calhoun, but Calhoun opposed it and it was dropped.³

¹ Polk's MS. Diary, February 17, 1846.

² Quoted from MS. Archives, Department of State, by Jesse S. Reeves. "American Diplomacy under Tyler and Polk," pp. 294-295. The part of the letter containing the bribe was never submitted to Congress.

³ Polk's MS. Diary, March 25, 28, 30, and April 3, 1846.

But on the same day that these additional instructions were written, Slidell was refused recognition. The letter of refusal was sharp and insulting and the denial was unequivocal. Mexico held that to admit an envoy in general was equivalent to the admission that the question which had produced the rupture of diplomatic intercourse was at an end and that relations of friendship existed.¹

All of Polk's schemes so far, honorable and dishonorable, had failed. Had he not been so zealous for California, he might have consented to a separation of the two questions of claims and boundary, with a slight possibility at least of settling both. But as it was, war alone remained; and to this some of his Cabinet and some of the leaders in Congress still objected. Buchanan and Bancroft wanted a declaration of it postponed until Mexico actually committed some act of hostility, while Calhoun and Benton desired that the Oregon question be first settled. Polk could make no reply to their opposition except by saying that the claims constituted a sufficient cause.² On May 9, the event occurred which relieved the President from his dilemma, since on this day he received General Taylor's letter of April 26, describing the attack that had been made by the Mexicans upon a party of our troops on the east bank of the Rio Grande. Polk now called the second Cabinet meeting for the day, and war was finally agreed upon, and two days later the message went to Congress.³

This message is a peculiar state paper, and one the logic of which is impossible to understand unless viewed in the light that the President aimed more to get support for the war than to describe truthfully the causes that led to it. The message first dealt with Slidell's mission. It was asserted that this minister had been sent to Mexico only after that country had agreed to receive him; which was, of course, not the exact truth, since Mexico had agreed to receive a *commissioner* with full power to settle the *present* dispute while the United States had asked if she would receive an *envoy* with full power to settle *all questions* in controversy between the two nations. The treatment that Slidell had received was then severely condemned, and reasons were

¹ House Documents, 29th Congress, 1st Session. Vol. 6, No. 196, pp. 57-61.

² Polk's MS. Diary, April 7, 18, 21, 25, 28, and May 3, 1846.

³ Polk's MS. Diary, May 9, 1846, and House Documents, 29th Congress, 1st Session. Vol. 6, No. 196, p. 120.

assigned why the United States had refused to separate the two questions of claims and boundary. "The redress of the wrongs," it says, "of our citizens naturally and inseparably blended itself with the question of boundary. The settlement of the one question, in any correct view of the subject, involves that of the other. I could not, for a moment, entertain the idea that the claims of our much injured and long-suffering citizens, many of which had existed for more than twenty years, should be postponed, or separated from the settlement of the boundary question."

But the second part of the message proceeds to deny that there was any boundary question, since it cites four or five proofs to show that the Rio Grande was the line between United States and Mexico, and that the land between this river and the Nueces belonged to this country. Hence, when the Mexican troops had crossed the Rio Grande and attacked a detachment from General Taylor's army, they had thereby "invaded our territory, and shed American blood upon American soil." Polk seems to have forgotten that he had instructed Slidell in November, 1845, to negotiate for this same Rio Grande boundary in case he could not secure one which would give us more territory.

The claims themselves which had been considered the one great grievance we had against Mexico received very little consideration in the message; in fact, not one tenth of it was devoted to a discussion of them. One of the closing paragraphs, however, did say, "Our commerce with Mexico has been almost annihilated. It was formerly highly beneficial to both nations; but our merchants have been deterred from prosecuting it by the system of outrage and extortion which the Mexican authorities have pursued against them, whilst their appeals through their own government for indemnity have been made in vain. Our forbearance has gone to such an extreme as to be mistaken in its character. Had we acted with vigor in repelling the insults and redressing the injuries inflicted by Mexico at the commencement, we should have escaped all the difficulties in which we are now involved. . . . The cup of forbearance had been exhausted even before the recent information from the frontier of the Del Norte." When this quotation is interpreted critically, it leads to the conclusion that after all the claims were the fundamental cause for the war. But Polk saw fit to emphasize Slidell's insolent treatment at the hands of Mexico and the shedding

of American blood upon American soil as the causes for war rather than the less exciting subject of claims, since thereby he evidently thought he could better arouse the spirit of Congress and the country.¹

On the same day that it received the message, the House passed a war measure by a vote of one hundred and seventy-four to fourteen. The documents accompanying the message were not even read and no debate was allowed.² The action of the Senate was nearly as hasty. It discussed the message a little on May 11, but on the following day passed an act recognizing a state of war by a vote of forty to two.³

On the day that war was formally declared, May 13, 1846, Polk made an entry in his diary which is worthy of being quoted at length since it shows what was no doubt the real motive for the war. "Mr. Buchanan," says the entry, "read the draft of a despatch which he had prepared to our ministers at London, Paris and other Foreign Courts announcing the declaration of war against Mexico, with a statement of the causes and objects of the war, with a view that they should communicate its substance to the respective Governments to which they are accredited. Among other things Mr. Buchanan had stated that our object was not to dismember Mexico, or make conquests, and that the Del Norte was the boundary to which we claimed, or rather that in going to war we did not do so with a view to acquire either California or New Mexico or any other portion of the Mexican Territory. I told him that though we had not gone to war for conquest,—yet it was clear that in making peace, we would if practicable obtain California and such other portion of the Mexican Territory as would be sufficient to indemnify our claimants in Mexico, and to defray the expenses of the war, which that power by her long-continued wrongs and injuries had forced us to wage. I told him that it was well known that the Mexican Government had no other means of indemnifying us;—Mr. Buchanan said if when Mr. McLane announced to Lord Aberdeen the existence of the war with Mexico, the latter should demand of Mr. McLane to know if we intended to acquire California, or

¹ For the message see Richardson's *Messages and Papers of the Presidents*. Vol. 4, pp. 437-443.

² *Congressional Globe*, 29th Congress, 1st Session, pp. 791-795.

³ *Ibid.*, pp. 782, 795-804.

any other part of the Mexican Territory—and no satisfactory answer was given, he thought it almost certain that both England and France would join with Mexico in the war against us. I told him that the war with Mexico was an affair with which neither England, France or any other power had any concern—that such an inquiry would be insulting to our Government,—and if made I would not answer it, even if the consequence should be a war with all of them. I told him I would not tie up my hands or make any pledge to any Foreign power as to the terms on which I would ultimately make peace with Mexico. I told him no Foreign power had any right to demand any such assurance, and that I would make none such let the consequences be what they might. Then said Mr. Buchanan you will have war with England as well as Mexico, and probably with France also, for neither of these powers will ever stand by and see California annexed to the U. S. I told him that before I would make the pledge which he proposed, I would meet the war which either England or France or all the powers of Christendom—might wage, and that I would stand and fight until the last man among us fell in the conflict. I told him that neither as a citizen, nor as President would I permit or tolerate any intermeddling of any European power on this Continent. . . . The discussion tonight was one of the most earnest and interesting which has occurred in my Cabinet.”¹

Here, without the least doubt, lies the keynote to Polk’s Mexican policy. After he had failed to trade the claims for territory by peaceable means, he turned to war to accomplish the same purpose. Nearly every movement made by the President during the war points to the fact that California was the all important consideration. Two days after the war was proclaimed, Bancroft, Secretary of the Navy, wrote Commodore Sloat of the Pacific squadron saying, “A connexion between California, and even Sonora, and the present government of Mexico, is supposed scarcely to exist. You will, as opportunity offers, conciliate the confidence of the people in California, and also in Sonora, towards the government of the United States; and you will endeavor to render their relations with the United States as intimate and as friendly as possible.² Kearney’s expedition

¹ Polk’s MS. Diary, May 13, 1846.

² House Documents, 30th Congress, 1st Session. Vol. 7, No. 60, p. 233-236.

planned a few weeks later had the same object in view.¹ During the early months of the war, while campaigns were being sketched, Polk in his diary alludes again and again to his California projects, nearly every time observing that Mexico can pay the claims in no other manner than by a cession of territory.²

With Polk's real object thus clearly in view, it is interesting and important to turn to the public justification that he made of the war at different times during its progress. The first of these justifications did not come from the President; and yet, proceeding as it did from the House Committee on Foreign Affairs, it may be considered as voicing the opinions which the administration wished to go before the country. This report appeared June 24, 1846, and gave as the reason for its appearance the fact that the exigency of the case prevented the war message from going before the committee, and that it was proper that the causes of the war should be manifest to the world. This report contained fifty-two pages, and fully one half of them were given to the claims showing that they constituted a good and sufficient cause for war.³

By December, 1846, the war had been so severely criticised and so often pronounced unjust⁴ that the President entered into a long defence of it in his annual message. He now lays great emphasis on the part the claims played in bringing it about, and says that if the United States had adopted compulsory measures and taken redress into their own hands in accordance with Van Buren's recommendations in December, 1837, "all our difficulties with Mexico would probably have been long since adjusted, and the existing war have been avert'd." After reviewing the whole history of the claims, he concludes that "we had ample cause of war against Mexico long before the breaking out of hostilities."⁵

This message put the President openly on the defensive and Congress and the country now began in earnest to question the

¹ Polk's MS. Diary, May 29, 30, and June 2, 1846.

² *Ibid.*, May 14, 16, 20, 29, 30, June 30, July 7, September 26, and November 28, 1846.

³ House Reports, 29th Congress, 1st Session. Vol. 4, No. 752.

⁴ See especially speeches made in Congress on the various bills pertaining to the conduct of the war. *Congressional Globe.*

⁵ Richardson. *Messages and Papers of the Presidents.* Vol. 4, pp. 471-506. Eight pages are given to the claims.

validity of the causes that had been assigned for the war. Four days after the message appeared, the *National Intelligencer* gave a six-column editorial to the criticism of it. It asked why the President did not do as Van Buren had done, lay the matter before Congress instead of declaring war largely upon other grounds. It denied that the object of the war was redress, and asserted that its aim was conquest.¹ Nearly all the principal speeches made in Congress during the session dealing with war measures took occasion to attack the message. Giddings asked why "the Executive never assigned the non-payment of this money as a cause of war until after hostilities were commenced."² Gentry of Tennessee said that the President had tried to mystify the public mind and divert it from the discovery of the true causes of the war and himself as the author of it.³ Garrett Davis called the message one of Polk's "miserable subterfuges."⁴ Caleb Smith of Indiana said, "I cannot but believe, that when viewed through any other than a party medium, it will be regarded more like the speech of a bar-room politician upon the hustings than such a state paper as should emanate from the President of the United States."⁵ Severance of Maine declared: "Why all the parade of these old claims unless to excuse him for commencing the war? If there were cause of war, it was not for him to make, but for Congress. . . . Such a pretext for war is utterly preposterous; it is evidently an afterthought, thrown in with abundance of cunning to justify a foregone conclusion. . . . The prosecution of it looks to conquest, and nothing else. The installments of the indemnity now due are as but dust in the balance." Alexander H. Stephens of Georgia said, "If our honor, gentlemen now seem to regard so tenderly, is involved in this matter, why have they slept so long over the wrongs of France, committed near half a century ago? . . . Why did the President, who would make us believe that he looks so anxiously after such matters, veto the bill which passed at the last session to render that justice which had been so long deferred?"⁶ Scores of similar thrusts might be cited; and Polk evidently felt the sting of the accusations, for on February 5,

¹ *National Intelligencer* for December 12, 1846.² Congressional Globe, 29th Congress, 2d Session. Appendix, p. 50.³ *Ibid.*, p. 57.⁴ *Ibid.*, p. 108.⁵ *Ibid.*, p. 230.⁶ Congressional Globe, 29th Congress, 2d Session. Appendix, p. 283.

1847, he wrote in his diary: "I am in the unenviable position of being held responsible for the conduct of the Mexican War, when I have no support either from Congress or from the two officers (Scott and Taylor) highest in command in the field."¹

In spite of the fact that his Secretary of State, Buchanan, at this time opposed the acquisition of territory,² and in spite of all the opposition that Congress offered to his war measures, Polk never wavered in his policy. In his third annual message of December 7, 1847, he rested the whole justice of the war on the ground of indemnity. "It is well-known," he said, "that the only indemnity which it is in the power of Mexico to make in satisfaction of the just and long-deferred claims of our citizens against her and the only means by which she can reimburse the United States for the expenses of the war is a cession to the United States of a portion of her territory. Mexico has no money to pay, and no other means of making the required indemnity. To reject indemnity by refusing to accept a cession of territory would be to abandon all our just demands, and wage the war, bearing all its expenses, without a purpose or definite object." Again he said, "The doctrine of no territory is the doctrine of no indemnity, and if sanctioned would be a public acknowledgment that our country was wrong and that the war declared by Congress with extraordinary unanimity was unjust and should be abandoned—an admission unfounded in fact and degrading to the national character."³

When the war was closed and the treaty of Guadalupe Hidalgo was submitted to Congress, Polk then for the first time let the public know what was in Slidell's secret instructions of November 10, 1845. In spite of the fact that everybody could now read these, and in spite of the fact that every movement during the war showed that California was its goal, nevertheless in the message transmitting the treaty Polk still had the audacity to say: "The extensive and valuable territories ceded by Mexico to the United States constitute indemnity for the past, and the brilliant achievements and signal successes of our arms will be a guaranty

¹ Polk's MS. Diary, February 5, 1847.

² *Ibid.*, November 28, 1846. Buchanan, however, soon came to desire as much territory as the President. See Diary for February 21, 1848.

³ Richardson, *Messages and Papers of the Presidents*, Vol. 4, pp. 532-564.

of security for the future by convincing all nations that our rights must be respected.

The treaty of Guadalupe Hidalgo is itself an excellent commentary on the part which the claims played in bringing on the war. By this treaty the United States agreed to pay Mexico fifteen million dollars for the territory she had ceded to us.¹ The United States also agreed to pay all the awards which Mexico had failed to meet under the conventions of April 11, 1848 and January 31, 1848, and to assume the decision and payment of all other claims of our citizens against Mexico up to the signing of the treaty, in addition, however, that the amount of the latter should not exceed three and a quarter million of dollars.² By this treaty, therefore, the United States declared she incurred a large fraction of the undecided claims for which she was fighting; since, if no new claims are considered those left by the commission sitting under the convention of April 11, 1848 amounted to over five million dollars. The commission which sat from April 16, 1849 to April 15, 1851, for the purpose of adjusting the undecided claims made awards amounting to \$6,218,814.20.³ Adding to this a little over a million and a half which Mexico had failed to pay under the convention of January 31, 1848,⁴ then the total amount of claims for which United States went to war was less than five million. Polk put it very aptly in his message transmitting the treaty when he said the territory acquired constituted an "indemnity for the past," that is, an indemnity for the claims as such, for the trouble of going to war, and above all for the gratification of the desire for land.

There can be no possible doubt as to the chief motive that lay back of the Mexican War. As Reeves says "Had the United States only the matter of Texas to settle with Mexico there would have been no difficulty."⁵ The invasion of Texas and the shedding of American blood upon American soil were merely pretexts which were used to influence public sentiment. The same may be said of the claims. Polk would certainly have never

¹ *Ibid.*, pp. 587-593.

² Article 12. *Treaties and Conventions*, pp. 681-692.

³ Articles 13, 14, and 15 of the treaty.

⁴ Moore, *International Arbitrations*, Vol. 2, pp. 1253-1264.

⁵ See message transmitting treaty—Richardson, *Messages and papers of the Presidents*, Vol. 4, pp. 587-593.

⁶ J. S. Reeves, *American Diplomacy under Tyler and Polk*, p. 189.

waged a costly war for the sake of getting five million dollars indemnity. The chief object of the Mexican War was conquest.

During Polk's administration, expansion was in the air; and there were men in all sections of the country who looked beyond even California and New Mexico to Mexico herself. Cass spoke openly for the conquest of all Mexico.¹ Dickenson of New York, at a banquet in celebration of the anniversary of the battle of New Orleans, offered a toast on "A more perfect Union, embracing the whole of the North American continent."² Cabell said in the House, "In most of the Democratic meetings throughout the country we find the idea of the acquisition of the whole of Mexico prominent."³ Calhoun remarked, "There was at that time (beginning of the first session of the thirtieth Congress) a party scattered over every portion of the country in favor of conquering the whole of Mexico. To prove that such was the case, it is only necessary to refer to the proceedings of numerous large public meetings, to declarations repeatedly made in public journals, and to the opinions expressed by officers of the army, and individuals of standing and influence, to say nothing of declarations made here and in the other House of Congress."⁴ General Quitman urged upon the President and Secretary of State the permanent military occupation of Mexico, saying that it could be held without expense to the United States and with but temporary opposition from the Mexican people."⁵ Tom Corwin in his speech on the Mexican War, February 11, 1847, said that he had heard much lately about the dismemberment of Mexico; and added, "this uneasy desire to augment our territory has depraved the moral sense and blunted the otherwise keen sagacity of our people. . . . Our young orators cherish this notion with a fervid, but fatally mistaken zeal."⁶ Ashbel Smith in an address at Galveston, February 22, 1848, said, "The Mexican War is a part of the mission, of the destiny allotted to the Anglo Saxon race on this continent. It is our destiny, our mission to civilize, to Americanize this continent. . . . Nor

¹ Congressional Globe, 30th Congress, 1st Session, p. 215.

² Quoted by Von Holst. Vol. 3, pp. 342-343.

³ Congressional Globe, 30th Congress, 1st Session, p. 428.

⁴ Calhoun's Works. Vol. 4, p. 429.

⁵ Claiborne's Life and Correspondence of J. A. Quitman. Vol. 2, p. 7.

Quoted by Von Holst. Vol. 3, p. 342.

⁶ Morrow. Life and speeches of Thomas Corwin, pp. 308-309.

will there be a stay or hindrance until our institutions shall have extended to the Pacific Ocean on the West and the Isthmus of Darien on the South.”¹ Clay, in arguing against these ideals in a speech on November 13, 1847, asked how Mexico’s nine million people could ever be represented in the Congress of the United States and whether we needed for our happiness the addition of Mexico to this Union.² Polk made the following interesting entry in his diary for March 3, 1848: “Most of the Democratic Senators who will vote against the ratification (that is the treaty of Guadalupe Hidalgo), will do so because they desire to secure more territory than the Treaty acquires; and most of the Whig Senators, perhaps all of them, who will vote against the ratification, will do so because they are opposed to acquiring *any territory*.”³ Polk opposed the taking of all Mexico; and Bourne thinks that this opposition was one of the principal causes that defeated the movement.⁴ While no one can say just how much this movement meant, yet it is clear that the doctrine of “manifest destiny” found a place in the thoughts of many men at this time.

This expansion movement was not the sole work of slavery men, as has been held by American historians up to the last decade. The Mexican War was not fought purely for the interests of slave states. In truth, the very men who were responsible for this war were hindered more than helped by the great slavery struggle. There is considerable evidence to sustain this view.

When the Wilmot Proviso was before Congress, Polk became uneasy and called Wilmot to an interview, which is thus described in the President’s diary: “I told him I did not desire to extend slavery, that I would be satisfied to acquire by treaty from Mexico the provinces of New Mexico and the Californias, . . . and that in these provinces slavery could probably never exist, and the great probability was that the question would never arise, . . . in the future organization of territorial or State Governments in these territories.” Polk then went on to show

¹ See address; pamphlet in New York Public Library.

² Works (Federal Edition). Vol. 3, pp. 63-65.

³ Polk’s MS. Diary, March 3, 1848.

⁴ Edward G. Bourne. The Proposed Absorption of Mexico in 1847-1848. Annual Report of American Historical Association for 1899. Vol. 1, p. 169.

how the restriction proposed in the proviso would cause the South to defeat the treaty when it came to be made.¹ A few days later Polk again wrote that slavery "has and can have no legitimate connection with the war with Mexico, or the terms of a peace which may be concluded with that country." He thought slavery was being agitated for the purpose of splitting the Democratic party in the next presidential election.² Buchanan now came to hold views much like those of the President. On April 23, 1847, he wrote General Shields, saying, "I would acquire the whole of Upper and Lower California if I could. Slavery in that region south of 36° 30' can never become a question of any real importance from the character of the country."³

But at the very time Polk was struggling to keep the slavery question out of his plans to close the war and get territory, Webster was arraigning northern men because they refused to vote for measures which would deny to the United States the acquisition of any territory and thereby the augmenting of slave state power. When the "Three Million Bill" was before the Senate, Berrien of Georgia moved to amend it so that the money appropriated for expenses connected with a treaty should not be used to acquire any territory by conquest from Mexico. The Senate rejected the amendment, and Webster said, "Who has rejected it? By whose votes has this amendment, this very evening, been lost? Sir, it has been lost by the votes of the honorable member from New York and his Northern and Eastern friends. It has been voted down by the 'Northern Democracy.' . . . Every member of the Senate belonging to the Democratic party, in the Northern States, however warmly he might have declared himself against new slave states, yet refused to vote against all territorial acquisition, a measure proposed and offered as a perfect security against more slave states. They are for acquiring territory; they are for more states; and, for the sake of this, they are willing to run the risk of these new states being slave states, and to meet all the convulsions which the discussion of that momentous question may hereafter produce."⁴ Webster made the same criticism of the vote on the treaty of Guadalupe

¹ Polk's MS. Diary, December 23, 1846.

² *Ibid.*, January 4, 1847.

³ Moore. *Works of James Buchanan.* Vol. 3, pp. 286-287.

⁴ Webster's Works. Vol. 5 (Old Edition), pp. 257-258.

Hidalgo, saying, "Messrs. Berrien, Badger, and other respectable and distinguished men of the South, voted against the acquisition, and the treaty which secured it; and if the men of the North had voted the same way, we should have been spared all the difficulties that have grown of it."¹

The truth seems to be that whenever slavery stood in the way of expansion, it was forced aside and the more desirable of the two objects was taken. Southern men suppressed their pro-slavery feelings for territory; and Northern men suppressed their anti-slavery feelings for the same thing. Bourne's conclusion is that "The movement for expansion, although associated in the minds of many people with the extension of slavery, was by no means identical with it, being on the one hand strongly opposed by some of the ablest champions of the institution and on the other hand ardently advocated by its enemies, while the body of its support was in no inconsiderable degree made up of men on the whole indifferent to the slavery question."² In light of all the facts, this is a just interpretation.

Polk played his part in the Mexican War with a steady hand. He did all of his own thinking; and what was still more valuable to him, he kept it to himself.³ He initiated the war and then justified it on the grounds of invasion of Texas and indemnity for claims. The first ground constituted good argument for exciting public feeling in his favor; and the second furnished an excellent pretext for securing territory in the way of indemnity—one which his opponents might attack, but could not overthrow. But behind all his conduct and public utterances lay the secret and powerful motive of expansion. He warded off the slavery struggle and defeated his enemies simply because there was in Congress and the country a desire for land strong enough to suppress all other conflicting motives. The great cause for the war was expansion; the great pretext under which it worked was the claims.

¹ Webster's Works. Vol. 2 (Old Edition), pp. 554-555.

² Edward G. Bourne. "The Proposed Absorption of Mexico in 1847-1848." Annual Report of American Historical Association for 1899. Vol. 1, p. 158. Reeves holds practically the same view. See American Diplomacy under Tyler and Polk, pp. 58-59.

³ See George Bancroft's characterization of him. Howe's Life and Letters of George Bancroft. Vol. 1, p. 294, and a quotation in Reeves' American Diplomacy under Tyler and Polk, pp. 288-289.

CONCLUSION

All the causes for the Mexican War may be grouped under the two questions of territory and claims. The first of these questions had its origin in the Adams-Onis treaty of 1819 whereby the United States ceded to Spain all claims over Texas. This cession was very unpopular in this country; and soon after Mexico came into possession of Texas by winning independence from Spain, attempts were set on foot to get the province back into the Union. The unsatisfactory boundary between Texas and the United States furnished a good pretext for opening up negotiations. By the close of the year 1829, three attempts had been made to purchase it. In the meantime, too, it had been populated almost wholly by Americans. These events aroused the suspicion of Mexico and engendered in her people an unfriendly feeling toward this country. From 1830 to 1845 numerous things occurred which changed this feeling of unfriendliness into open and bitter hostility. Butler's corrupt schemes to purchase Texas; the open aid which American citizens gave the Texas revolutionists; Gaines's entrance into Mexican territory; the recognition of Texan independence; the Santa Fé expedition; the sharp correspondence over neutrality in 1842; Commodore Jones' attack upon Monterey; Tyler's effort to trade the claims for Texas and California; the final annexation of the former province; and Polk's grand effort to trade the claims for New Mexico and California,—all these aroused the deepest hatred for us in Mexico. Mexico's one great grievance, therefore, was wrapped up in the events which were connected or at least which she thought were connected, with our desire to get territory.

On the other hand, the only fundamental and logical grievance which United States had against Mexico resided in the claims. That these constituted a just grievance there can be no doubt. Although they were misrepresented in character and exaggerated in amount, nevertheless they were worthy causes for protest and even for war. Mexico's dilatory, evasive, and oftentimes insolent policy regarding them can in no way be justified. When viewed separately from the other subjects of controversy between the two nations, the events connected with the claims

present no conduct on the part of this country which was in any way unnatural or extraordinary. Ellis's peremptory demands in 1836, Jackson's so-called war message of 1837, Greenhow's mission of the same year, the arbitration commission, the conventions of 1843, and even the attempts to trade the claims for territory were legitimate modes of procedure.

The position of the United States was a delicate one: She desired a large portion of Mexico's dominions while at the same time she had to seek redress for numerous injuries which that country had inflicted upon our citizens. To make the situation still more complex, the great slavery struggle which was going on led the free state men to hurl violent denunciations at the expansion policy. Every time redress for the claims was sought, they raised the cry of conspiracy on the ground that war was going to follow for the purpose of getting new slave territory. This, however, was not the case.

Jackson did threaten war because of the claims, but not for the purpose of getting Texas. Van Buren's fine caution enabled him to avoid a crisis; and the plan of arbitration resorted to by him was as successful as the state of feeling between the two countries would permit. After Tyler failed to trade the claims for Texas and California, he bent every effort to secure the former province; but he does not seem to have even thought of going to war over the claims in order to succeed. Polk, however, did use the claims as a pretext for war in order to get California and New Mexico. None of these Presidents were so far as their Mexican policies were concerned mere tools in the hands of slavery interests. On the contrary, these same interests hindered more than helped their expansion ideals. Had it not been for these ideals the claims would have been too insignificant for notice and the Mexican War would probably have never been fought. As it was the claims remained a constant grievance against Mexico down to the time of Polk; and he used them as a pretext, not a cause, to get indemnity in the form of territory.

APPENDIX I

A BRIEF STATEMENT OF THE CLAIMS TAKEN FROM ELLIS' INSTRUCTIONS OF JULY 20, 1836

1. The schooner *Northampton* had been recently wrecked on the Mexican coast near Tabasco. The authorities at this place mistreated the crew, cargo, and schooner.

2. "On the 31st of December, 1831, an alcalde of Menotillan, in the colony of Guazulaco, instituted what is said to have been an illegal, arbitrary, and oppressive proceeding against Doctor Baldwin, a citizen of the United States, under color of a suit at law, preferred and carried on by a creature of the alcalde himself. Baldwin appeared before the alcalde to answer the charge; an altercation ensued; and the alcalde ordered him to the stocks, which Baldwin refusing to submit to, attempted to escape, and was pursued by a party of soldiers, who attended the court. In the race, Baldwin fell, received an injury in one of his legs, was captured, carried back into the presence of the alcalde, placed in the stocks, and afterwards imprisoned."

3. "In February, 1832, the schooner *Topaz*, of Bangor, Maine, was employed by the Mexican Government to carry troops from Matamoras to Galveston Bay. The master and mate were murdered by the soldiers on the passage, the crew imprisoned, and the vessel seized and converted to the Mexican service."

4. "On the 21st of June, 1832, the American schooner *Brazoria* was seized in the port of Brazoria, by John Austin, the Mexican Military Commandant in that quarter, and employed to make an attack upon Anahuac, then in possession of insurgents. During the attack, she was injured so as to be made unseaworthy, and was abandoned as a total loss, for which the underwriters have received no compensation."

5. "In the summer of 1832, the steamboat *Hidalgo* and schooner *Consolation*, belonging to Aaron Leggett, of New York, were forcibly taken possession of by Mexican officers at Tabasco, and used by them. The brig *John*, belonging to Leggett, was also detained, and money was extorted from him."

6. "In March, 1834, Captain McKeige, of the schooner *Industry*, of Mobile, was imprisoned at Tabasco, and an exorbitant fine

demanded of him without cause. The payment of the fine being made the only condition upon which he could be allowed to depart, he abandoned his vessel and her cargo to the authorities who afterward sold them."

7. "In the summer of 1834, the brig *Paragon*, of New York, was causelessly fired into on her way to Vera Cruz by the Mexican public armed schooner *Tampico*."

8. In May, 1835, the brig *Ophir*, of New York, was seized and condemned by custom-house officers at Campeachy. The cause of the seizure grew out of a misunderstanding in regard to the ship's papers.

9. "In May, 1835, also, the schooner *Martha*, from New Orleans, was seized at Galveston Bay by the Mexican armed schooner *Montezuma* for an alleged non-compliance with some of the formalities of their revenue laws. Four of the passengers of the *Martha* were put in irons under the hatches of the *Montezuma*, and otherwise treated with great barbarity, merely for an imputed intention to use their fire-arms against a guard that had been placed on board the *Martha*."

10. "In November, 1835, the schooner *Hannah and Elizabeth*, of New Orleans, was stranded in attempting to enter Matagorda Bay. While in this condition, she was fired into by the Mexican armed schooner *Bravo*, boarded by twenty armed soldiers under the command of two officers, who forcibly took the master, crew, and passengers from the wreck, pillaged them of most of their clothes, and chained them in the hold of the *Bravo* until their arrival at Matamoras, where they were continued in confinement; but through the urgent representations of our Consul there, all but the captain were eventually released."

11. "On the 17th of February last, William Hallett and Salmon Hull, citizens of the United States, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hull in the face with a sword, and forcibly took both to the principal barraek in that city, where they were confined upon suspicion of being about to proceed to Texas. Shortly afterwards sentinels were placed at the doors of the Consul's residence, under false pretences, and all communication with the house prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his home with drawn swords, and searched every room in it, for the avowed object of finding the Consul. Hallett and Hull have

been released, but the department is not aware that any reparation has been made for the proceedings against them, or for the insult to the Consul."

12. "In February, last, an attempt was made at the city of Mexico to take from Mr. W. A. Slacum, protected by a courier's passport from this department, public despatches of this Government addressed to Mr. Butler. The attempt failed, but Mr. Slacum was fined and detained for carrying official letters on his person, authenticated by the indorsement of this department, and directed to the *chargé d'affaires* of the United States in Mexico."

13. "In March, last, the schooner *Eclipse* was detained at Tabasco, and her master and crew maltreated by the authorities."

14. "In April, last, the brig *Jane*, schooner *Compeer*, and other merchant vessels of the United States, were forcibly detained at Matamoras."

15. "You will also notify the Mexican Government that it is expected any damage which may have been sustained by citizens of the United States, in consequence of the recent embargo at Vera Cruz, Tampico, and other Mexican ports on the gulf, will be repaired, pursuant to the stipulation in the treaty. The papers now sent show that the military commandant of Tampico has made the embargo a pretext for interrupting or obstructing the correspondence between the Commander of the United States revenue cutter *Jefferson* and our Consul there. For these acts, proper satisfaction will likewise be expected."

—House Documents, 24th Congress, 2d Session. Vol. 3, No. 105, pp. 24-27.

APPENDIX II

BRIEF STATEMENT OF THE CLAIMS AS PRESENTED TO MEXICO BY THE UNITED STATES IN JULY, 1837

1. A. P. Chouteau and J. De Mun, chiefs of a hunting expedition, were, with their companions, arrested by Mexican officers in 1817, carried to Santa Fé, imprisoned, and otherwise maltreated. They maintained that they had lost property thereby to the value of \$30,380.74 $\frac{1}{2}$.

2. In January, 1818, the brig *Cossack* and her cargo were seized by the authorities of Mazatlan on the ground that she had not ship papers. By a decree of July, 1819, the brig and cargo were condemned and sold and the proceeds were placed in the national treasury of Rosario. A decree of the next year ordered that the money be restored to the owner, but this decree was never executed. The owner then assigned his interest in the claim to J. J. Astor of New York and Boardman and Pope of Boston, who stated that the proceeds of the sale were about \$40,000.

3. The cargo of the ship *Louisa* of Providence, consisting of arms, cordage, flour, and other provisions, was taken at the port of Acapulco in 1821 by orders of Iturbide and appropriated to the use of the Mexican government. Mexico acknowledged the debt in February, 1822, and decreed the payment of \$48,363 to the owners; \$14,418 were paid, but the balance, \$33,945, remained due.

4. Five thousand five hundred and eighty-seven Mexican dollars, belonging to Peter Harmony, were seized by some officers of Iturbide and appropriated to the use of the Mexican Government.

5. Fifteen thousand Mexican dollars, belonging to Harmony and Le Roy Bayard & Co., were seized in 1822 while being conveyed from Mexico to La Vera Cruz and were appropriated to the use of the Mexican Government.

6. Four thousand seven hundred and thirty-eight dollars and 6 $\frac{7}{8}$ reals, belonging to Jethro Mitchell, were seized and detained by Mexican officials in 1822 while being conveyed from Mexico to La Vera Cruz.

7. John K. West and others furnished supplies to Herreva,

an agent of the Mexican government. Payment had never been made.

8. The brig *Liberty*, valued at \$3,500 with a cargo valued at \$4,000 while en route from New York to Mexico, was captured off the bar at Alvarado by the Mexican government schooner *Iguala* on the ground that she was carrying Spanish goods into a Mexican port in violation of a Mexican decree.

9. The brig *Cato* sailed from Villa Hermosa, the capital of Tabasco, regularly cleared for the port of Philadelphia with leave to touch at Alvarado. For the purpose of loading with log-wood, she anchored in the river near the Rancho of Chilassa. Here on August 26, 1824, she was boarded by fifteen to twenty men, rifled of numerous articles among which were \$2,701 in specie, and left aground. Two of the crew were wounded in the struggle. The owners claimed \$5,544.98 damage.

10. The schooner *Leda* was detained at Tabasco from September 1 to November 13, 1824, and excessive tonnage was illegally exacted. Owners claimed \$988.

11. Borie, Laguerenne, and others claimed that excessive and illegal duties had been levied and collected on certain cottons imported into Alvarado in 1824 and 1825 by merchants of Philadelphia and New York. The claims amounted to \$32,721.79, with interest from February, 1825.

12. The schooner *Felix* with cargo was condemned near Soto la Marina harbor in September, 1835, on the ground that she was carrying goods of Spanish origin from a Spanish port destined for Mexico. Amount claimed was \$37,117.29.

13. The brig *Delight* of Philadelphia was at one time compelled to unload and reship because of customs regulations. The owners claimed that this caused a loss of \$3,716.48. At another time, the vessel was seized by a collector of customs with armed force on same grounds. The amount claimed for this was \$15,-692.50. Both incidents occurred in 1825.

14. The schooner *Fair American* of Baltimore had her cargo seized in January, 1826, on the ground that she had not complied with customs regulations and on the ground that she was suspected of illicit trading. Amount claimed was \$50,225.21 with some interest.

15. The schooner *Superior* of New York was captured by Mexican gunboat *Orizaba* in February, 1826, because she was thought to be the *Superior* of Philadelphia which had been en-

gaged in smuggling. The claim was based on the fact that the vessel was ruined, having become worm-eaten because of lying in port so long. Amount was not stated.

16. John H. Andrews had shipped twenty bales of white wax from St. Petersburg to Vera Cruz. The custom-house officer of the latter place condemned and sold it on the ground that the wax was of Cuba origin. Amount claimed was \$1,631.25.

17. The ship *Franklin* and the brig *Barrian* of Boston got into difficulties at St. Diego over custom duties. Parts of the cargoes were taken to pay duties. The captains resisted this and also refused to give up ship papers whereupon the vessels were fired upon. Amount claimed was \$53,657.54.

18. Eli E. Hammond and Jarvis S. Hammond were engaged in the summer of 1828 in a trading expedition from Missouri to Santa Fé. They were arrested for smuggling and their merchandise was confiscated. Amount claimed was \$7,000.

19. The brig *William* of Newport, R. I., was forcibly taken in August, 1829, by Mexican officers and used for forty-four days during the Spanish invasion. Amount claimed was \$4,999.33.

20. The brig *Splendid* of New Haven was forced for a time in the year 1829 into Mexican service. Amount claimed was \$2,500.

21. In the year 1830, the brig *Ursula* of Boston was also forced into Mexican service for a time. Amount claimed was \$2,005.

22. Pell and Brothers of New York sent types and press to the American Consul at Tampico with a view to the setting up of a printing press there. The Spaniards who invaded Mexico in 1829 first used these and then destroyed them. Amount of claim was not stated.

23. William H. Shaw chartered the Schooner *Galaxy* of Hallowell, Maine, for some voyages between Havana and Liguria at the rate of \$450 per month. Mexican authorities detained him. Amount of claim was not stated.

24. The schooners *Rebecca* and *Eliza* of New York arrived at Tampico in September, 1829, at a time when the Spanish invading army was there. The Mexican authorities seized them on the ground that they were carrying provisions to the Spanish army. The vessels were so maltreated that they had to be abandoned. Amount of claim was not stated.

25. The brig *General Morelos* of New Orleans was forcibly

detained and held by the authorities of Vera Cruz. Amount claimed was \$8,826.

26. The vessel *Eliza Jane* of New York was condemned at Vera Cruz on the ground that she was unseaworthy and sold. In transshipping, the captain was forced to give bond for payment of tonnage duty which he had paid before at point of departure. Amount of claim not stated.

27. The claim of John Baldwin. "A certain alcalde of Minotitlan, in the colony of Guazcualeo, preferred, through a creature of his own, an illegal, arbitrary, and oppressive proceeding against Baldwin, under color of a suit at law. Baldwin appeared before the alcalde (31st December, 1831) to answer the charge; an altercation ensued, and the alcalde ordered him to the stocks, which Baldwin refused to submit to, attempted to escape, and was pursued and fired upon by a party of soldiers who attended court. In the race Baldwin fell, and received an injury in one of his legs or knees, was captured, carried back into the presence of the alcalde, placed in the stocks, and afterwards imprisoned." No amount stated.

28. In February, 1832, the master of the schooner *Topaz* agreed to carry one hundred and fifty soldiers from Matamoras to Galveston. During the voyage the master and mate were murdered, some of the property of the vessel was stolen, and the Mexicans then took possession of her. Amount of claim was not stated.

29. The schooner *Brazoria* while lying in port at Brazoria was seized by John Austin, the Mexican military commandant in that quarter, and employed in an attack on Anahuac. During the attack, she was so much injured that the owners abandoned her to the underwriters. Amount claimed was \$6,800, with interest until paid.

30. The claims of Aaron Leggett. In November, 1831, Leggett obtained from the legislature of Tabasco an exclusive privilege to use steamboats on the waters of that state for the period of ten years. Leggett sent certain vessels thither to transport logwood. During a revolution, some of his vessels were seized and forced into Mexican service. His agent was imprisoned and money was extorted from him. In all, Leggett had thirty claims amounting to \$786,507.72.

31. In June, 1833, the schooner *Augustus* was seized in the harbor of Brazo de Santiago on the ground that she was smug-

gling. Hurlburt, who had chartered the vessel, claimed \$6,030.09 damage for loss incurred.

32. In July, 1833, the schooner *Wetree* was seized by the authorities of Tampico. The master abandoned the vessel, but his papers, which were the only ones on which the claim was based did not state the amount of the loss.

33. On March 10, 1834, the brig *Industry* was ready to sail from *Tabaseo*. The captain failed to secure clearance and gave up the vessel, whereupon the Mexican authorities sold her. Amount claimed was \$11,060.68.

34. On May 5, 1834, the schooner *William A. Turner* put into port at Sisal in distress. Here the vessel and cargo were seized by Mexican authorities. Amount of claim was not stated.

35. Brig *Paragon*. "In the summer of 1834, on her voyage from New York to Vera Cruz, this vessel was fired upon by the Mexican public armed schooner *Tampico*."

36. In 1834, three boxes of merchandise, belonging to the schooner *Two Brothers*, were condemned for want of invoices. Amount claimed was \$1,000.

37. On September 25, 1834, the master of the schooner *St. Croix* was imprisoned by the collector of customs at Aransas-
ser Bay in Texas because he failed to pay duties. The master was otherwise maltreated and had to abandon the vessel, which became, as a result, unseaworthy. Amount of claim was not given.

38. In 1836, double tonnage duties were collected from the brig *Weston*. Amount claimed was \$352.75.

39. Schooner *Martha*. "This vessel was seized at Brazoria by the Mexican vessel of war *Montezuma*, in May, 1835, taken to Vera Cruz, and condemned, as is presumed, upon a charge that some articles of her cargo were not included in the manifest. Some of the passengers were arrested on the charge of an attempt to rise against the guard placed on board of her at Galveston." Amount of claim not stated.

40. Schooner *Hannah Elizabeth*. "This vessel was stranded in November, 1835, near Matagora, in Texas. Whilst in that situation, she was fired upon by the Mexican armed schooner *Bravo*, and her master, mate, three seamen, and five passengers, carried to Matamoras, and imprisoned."

41. In May, 1835, the district court at Campeachy condemned the brig *Ophir* because of faulty ship papers. Amount of claim was not stated.

42. In April, 1836, the brig *Jane* and other vessels were detained at Matamoras on the ground that hostile vessels were cruising in those waters. United States held that this action was in violation of the eighth article of the treaty of amity, commerce, and navigation.

43. On March 19, 1836, the schooner *Eclipse* was seized at Tabasco without cause, and the captain and crew were maltreated. Amount of claim was not stated.

44. W. E. Coleman, acting Consul of the United States at Tabasco, was publicly insulted and maltreated because he refused to legalize certain documents.

45. Schooner *Aurora*. This vessel was stranded five leagues west of the Tabasco River, but the greater part of her cargo was safely landed. The custom-house officers and military took forcible possession of these articles, whereupon the crew remonstrated. In the struggle, the mate was severely wounded. The cargo was then plundered by the officers and soldiers. Amount of claim was not stated.

46. In September, 1836, the schooner *Bethlehem* was taken possession of by the Mexican Navy and forced into her service. Amount of claim was not given.

47. Brig *Fourth of July*. Edmund Didier of Baltimore had had this vessel built for the purpose of selling her for the Mexican government. In October, 1836, the vessel was in the port of Vera Cruz. Mexicans took possession of her and hoisted the Mexican flag before the papers of sale were properly concluded. In the end, this claim came to be a demand of satisfaction for the manner in which the vessel had been taken possession of by the authorities at Vera Cruz.

48. Seamen of the *Natchez*. On November 2, 1836, a boat and eight men, under the command of Midshipman Renshaw, left the United States sloop of war *Natchez*, then at anchor off Saerificios, and landed on the mole, in the city of Vera Cruz. The officer went to see the Consul and in the meantime the crew became intoxicated and got into a fight, in which two were wounded. The sailors were unable to manage the boat, so Renshaw asked the captain of the port to receive them in charge till next day. The Consul asked for their delivery the next day, but it was refused and the Consul was not even allowed to see them. They were kept in close confinement.

49. William Hallett and Salmon Hall, and D. W. Smith,

Consul of the United States at Matamoras. "On the 17th of February, 1836, Hallett and Hall, citizens of the United States, were arrested in the streets of Matamoras by a party of armed soldiers, who struck Hall in the face with a sword, and forcibly took both to the principal barrack of that city, where they were confined on suspicion of being about to proceed to Texas. Sentinels were placed at the doors of the Consul's residence subsequently to the arrest of Hallett and Hall, and all communication therewith prohibited. Armed soldiers broke open his gate during his absence, forcibly took a mare and two mules belonging to him, entered his house with drawn swords, and searched every room in it, with the avowed object of finding the Consul himself. Hallett and Hall have been released." United States desired satisfaction for this.

50. Schooner *Peter D. Vroom*. This vessel was wrecked off the coast forty miles above Vera Cruz in the summer of 1836. The captain appointed the American Consul agent of the cargo. The Consul of Vera Cruz, sent vessels for the cargo, brought it to Vera Cruz, and tendered it to the original consignee, who refused it. The merchantile of Vera Cruz appointed an agent instead of the American Consul who proceeded to sell the goods. Claim was for the refusal to allow American Consul to act as agent.

51. Lieutenant Osburn, and boat's crew of the United States revenue cutter *Jefferson*. The American merchants at Tampico requested that a vessel which could pass the bar might be sent for their protection. The revenue cutter *Jefferson* was ordered by Commodore Dallas to proceed to Tampico. Mr. Robertson, our Consul there, asked General Gomez, the military commandant there, for permission to let the cutter come up to the town. Gomez refused. Lieutenant Osburn of the *Jefferson* attempted to call on the Consul, but before he was allowed to, he was put into custody of an officer, taken to the commandant's quarters and examined. While he was absent from the ship, the crew were put into prison and detained for a time. Gomez was removed, but shortly after appointed commandant at Vera Cruz.

52. Ship *Robert Wilson*. This vessel was seized in August, 1833, at Vera Cruz on the ground of having imported false coin, contrary to the revenue laws of Mexico. The seizure was tried in the Mexican courts and the vessel sold for benefit of the government. The owners sued the Union Insurance Company

and received \$12,313.26. This company tried for eighteen months to get the proceedings of the Mexican courts and sent three commissions for them. The American minister was asked to help. They could not be gotten in time to save the company from paying the damage. The company claimed indemnity for refusal to send the court records.

53. Captain James O'Flaherty, master of the schooner *William A. Turner*, was detained at Sisal in 1834, and compelled to give up his vessel and cargo until the courts returned them. He was also compelled to give up his ship at Matamoras in 1836, and was himself imprisoned. For the loss at Sisal, \$10,969 was claimed; and for the loss at Matamoras, \$7,500.

54. A. de O. Santangelo. "This individual is a naturalized citizen of the United States. He was editor of a newspaper at the city of Mexico, called *El Correo Atlantico*, and his wife kept a school there for the instruction of young women. Some remarks in his paper having given offense to the Mexican Government, passports were sent to him in June, 1835, with an order to quit that country within — days. He claims one hundred thousand dollars as an indemnification for this sudden banishment, which he declares to have been contrary to the Mexican laws, as well as in violation of his rights as a citizen of the United States."

55. Mr. Gorostiza. "This person, recently envoy extraordinary and minister plenipotentiary of the Mexican republic to the United States, caused to be printed and distributed among the members of the diplomatic body accredited to this Government, a pamphlet defamatory of the Government and people of the United States."

56. Forced loans. "For all exactions which may have been made from citizens of the United States, under laws of the Mexican republic authorizing forced loans, ample indemnification will be expected."

57. *Louisiana, Champion, Julius Caesar*. "These vessels were captured by the Mexican squadron in the Gulf of Mexico in the spring of 1837, for an alleged violation of a pretended blockade of the ports of Texas."

(For full statement of the claims see House Executive Documents, 25th Congress, 2d Session. Vol. 1, No. 3, pp. 40-108.)

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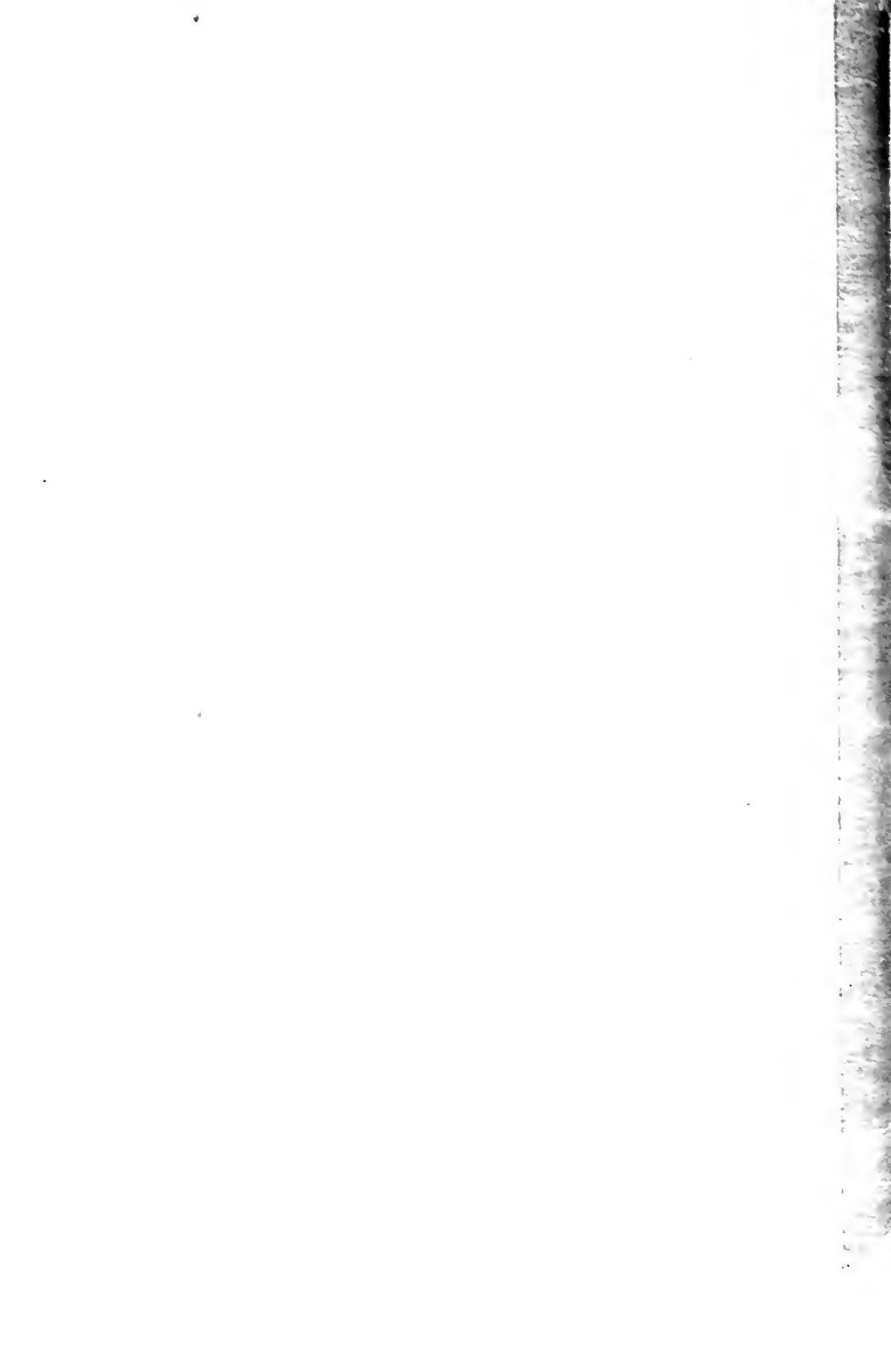
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